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BIBLE IN COURT.

THE METHOD OF LEGAL
INQUIRY APPLIED TO THE
STUDY OF THE SCRIPTURES

BY

JOSEPH EVANS SAGEBEER, ~~PH.D.~~ (Penn.)



PHILADELPHIA

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1900

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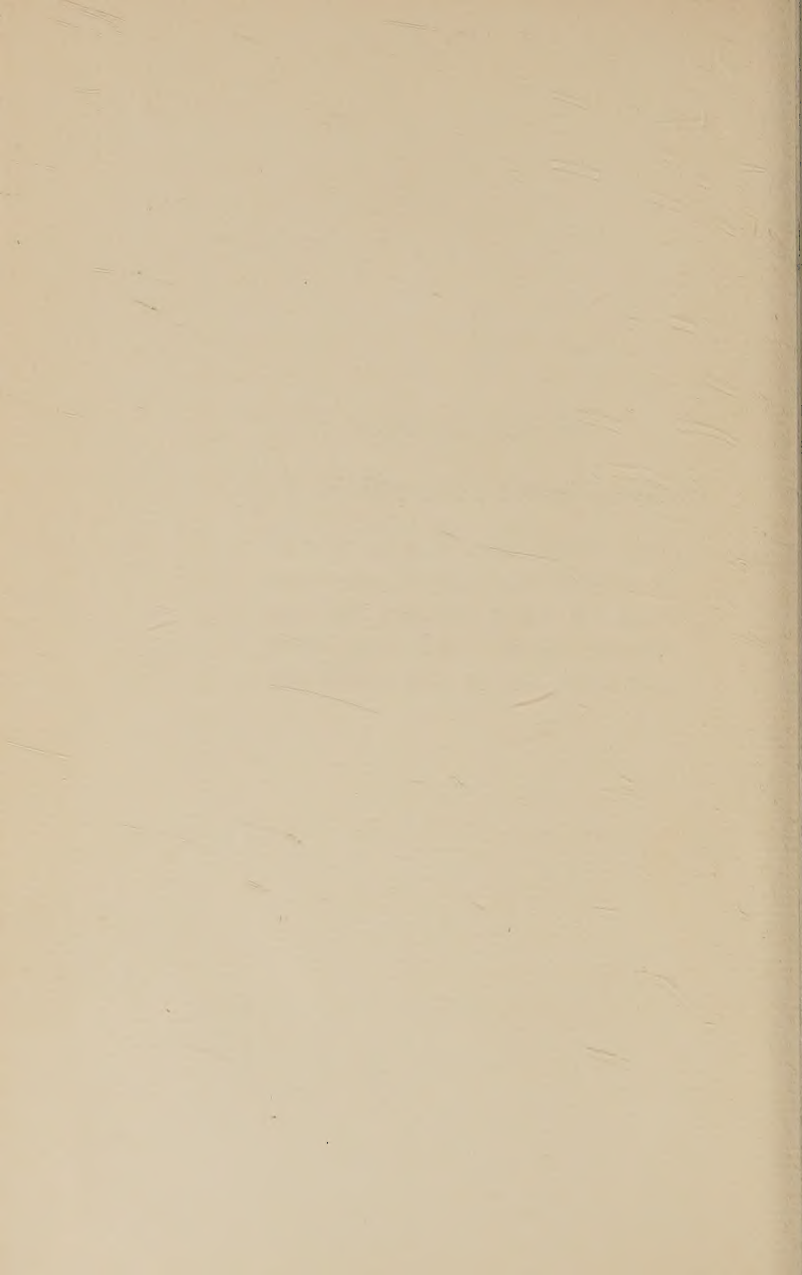
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TO THE REVEREND

GEORGE DANA BOARDMAN, LL.D.

WHO MADE OUR PARISH WALKS
A PERIPATETIC SCHOOL AND WHO
WAS TO ME A MASTER OF DIA-
LECTIC WHILE I HAD THE GOOD
FORTUNE TO BE HIS ASSISTANT

17951



PREFACE



By a curious necessity of the old Common Law the bastard child of serfs was born free; for, being a *nullius filius*, he could inherit nothing, not even slavery. It thus happened in those wretched conditions that the supreme misfortune of having no father found its compensation in having no master. That seeker after truth is most fortunate who is a free man through being a *nullius filius*,—through being a member of no school and a disciple of no teacher,—who therefore has inherited no creed, but who is free to examine all methods of research and to adopt those methods that are rational, no matter where they lead.

An architect friend of mine went abroad to continue the study of his art. Upon his departure, his preceptor said to him, “Do not draw. *Measure!*” Doubtless the ad-

vice was good. A note-book that perfectly records the forms and proportions of great works of art is more valuable than a sketch-book that represents them but indifferently. And this is one more example to show that the most original things are not necessarily the most valuable. This book is a book of measurements, not of drawings. I have tried to discover and to record exactly the method of the classic examples of discursive reasoning.

J. E. S.

GERMANTOWN, PHILADELPHIA,

First of October, 1899.

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*PART III.—INFERENCE*

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INTRODUCTION



IN all fields of human investigation the method of the inquiry is conditioned by the subject of the research. The law is concerned only with human action : with crimes and wrongs ; with human rights and human duties ; with human relations and human contracts and human possessions. The law is not concerned with the soil until it becomes human property. It is not concerned with rivers until they become ways of human travel or boundaries of human property. It is not concerned with the air and the light until the human right to their use is invaded. The method of legal inquiry is conditioned by the subject of legal research. The subject of the research being human actions, generations of legal practice have developed a method of inquiry adapted to that subject. This method of inquiry is simple in its most

general analysis. The first stage of the inquiry is the discovery of the question at issue. The second stage is the marshalling of the evidence which is relevant to the issue. The third stage is the determining of the inferences that are made necessary by the evidence. This third process is common to all research, no matter with what subject it is concerned, and the principles governing it are the natural rules of logic rather than of law ; but the first and the second stages of the course of legal inquiry have been developed and perfected in a way peculiar to that science alone.

While the law is concerned with human action, the Bible is concerned with human life. And yet life in its last analysis is action. Even the subjective life that is not expressed in outward forms of which the law could take cognizance is mental and moral action. The problem of human destiny cannot be separated from the question of human action. The nature of Deity and the nature of life in the unseen world are knowable only in the terms that are also used to express human action. It is

evident, therefore, that religion and human action, as the subject of legal inquiry, are so closely related that the carefully developed and accurately formulated method of legal inquiry must be the most rational and effective method to apply to the study of the Scriptures.

In all research that is concerned with human action there are three questions to be answered : First, What are the alleged facts of the case? Second, Are these allegations true? Third, If these allegations are true, what are the logical consequences? When the research is concerned with human words and opinions, the first question becomes, What does this author mean, what are his ideas, what has he said? The process by which this first question of research is answered is analogous to the process of legal pleading. The science of Pleading is the science of determining the question at issue. The second question is, Are the facts that make up the question at issue true, or are they false? The process by which discrimination is made between the facts that are relevant either to sub-

stantiate or to refute the question at issue and those that are irrelevant to the issue, together with the process of determining the value or probative weight of such relevant facts, is the science of Evidence. The third question is, If these things are true, what are the logical consequences, what other propositions for that reason must also be true, and what other propositions for that reason must be false? The process by which this question is answered is the science of Inference.

All research consciously or unconsciously follows these three lines. A mistake in answering any of these questions will yield untruth as the result of the research. To be ignorant of the real question at issue ; to substantiate or to refute the question at issue by irrelevant evidence, or incorrectly to estimate the probative weight of evidence that is relevant ; or to draw conclusions that are not involved in the premises, will result in hiding the truth, not in revealing it.

In the study of the Scriptures, the first question is, What did this author himself mean by what he said? The result of that

inquiry constitutes the question at issue. The second process in the research is the examination of the evidence that is relevant to this question at issue ; and the only question to be answered is whether the facts of history, the testimony of nature, the rest of the Scriptures, and the reasons for believing in a divine revelation, substantiate or refute the allegations that go to make up the question at issue. If the weight of evidence is against the allegations, then the allegations are untrue, or else they have not been correctly understood, or else the weight of the evidence has been misjudged. In determining what inferences are involved in the statements of Scripture, the question is not whether these inferences are surprising or whether they are in harmony with what naturally would be expected from such a source. The only question is whether they are actually involved in the premises.

The following chapters do not answer any of these questions. They do not show what the teaching of the Scriptures is. They do not ask whether or not the Scrip-

tures are true. They do not show what inferences must necessarily be drawn from the declarations of the Scriptures. But they do set out the principles of research in accordance with which these questions must be answered. Pleading, Evidence, and Inference are the general sciences on which the particular sciences of Exegesis, Apologetics, and Theology rest, as the science of Metallurgy rests upon the science of Inorganic Chemistry.

The plan of the book is first to illustrate the method of legal inquiry, and then to suggest the way in which that method may be applied to the study of the Scriptures. That this method of research is not only legitimate, but that it is a natural method is evident, for the understanding of law involves both metaphysical and historical research,—metaphysical research that one may discover the abstract reason of all laws, historical research that one may discover the conditions that caused them and the effects which they in turn have produced. And this is, or it should be, the theological method. And those who have best known

the law have most positively asserted the supreme value of the legal method. Dr. Samuel Johnson said, "Law is the science in which the greatest powers of the understanding are applied to the greatest number of facts." "And no one," said Sir James Mackintosh, "who is acquainted with the variety and multiplicity of the subjects of jurisprudence, and with the prodigious powers of discrimination employed upon them, can doubt the truth of this observation." Edmund Burke said, "The science of jurisprudence is the pride of the human intellect, which, with all its defects, redundancies, and errors, is the collected reason of ages, combining the principles of original justice with the infinite variety of human concerns. One of the first and noblest of human sciences,—a science which does more to quicken and invigorate the human understanding than all other kinds of human learning put together." In the introduction to his great work, Blackstone says, "But that a science which distinguishes the criterions of right and wrong ; which teaches to establish the one, and prevent,

punish, or redress the other ; which employs in its theory the noblest faculties of the soul, and exerts in its practice the cardinal virtues of the heart ; a science which is universal in its use and extent, accommodated to each individual, yet comprehending the whole community ; that a science like this should ever have been deemed unnecessary to be studied in a university is a matter of astonishment and concern."

PART I

PLEADING

“The majority attend to words rather than to things.”
—DESCARTES.

THE BIBLE IN COURT



CHAPTER I

PLEADING IN LAW

Section 1.—Pleading Defined

PLEADING in law is the science of the development of the question at issue. It is the process of declaration by the plaintiff and answer by the defendant carried on until the plaintiff finally arrives at a statement of his case to which the defendant simply answers yes or no. The plaintiff has then arrived at the real question at issue between him and the defendant. When the defendant is obliged to admit that the last statement of the case by the plaintiff is the real question at issue, he is also obliged to join issue with him, or to accept the issue tendered. The two parties are then said to have joined issue, or to be at issue,

which means that the process of demand and answer has finally made clear what is the simplest form of the case,—what the plaintiff's demand is after he has heard the defendant's answer to his demand and has had the opportunity to modify his demand, if he is able to do so. The declarations and rejoinders leading up to this issue are called the pleadings in the case. If the pleadings are drawn out to a considerable length, they will take the following order: A declaration by the plaintiff and a plea by the defendant; a replication by the plaintiff and a rejoinder by the defendant; a surrejoinder by the plaintiff and a rebutter by the defendant, and then a surrebutter by the plaintiff.

Pleading is therefore the statement of the question at issue. The object of the pleadings is that the defendant may know exactly what the plaintiff's supposed cause of action is, and that the plaintiff may know whether the defendant will resist the demand, and, if so, what reason he has for resisting it. The pleadings are intended to show exactly what the plaintiff means by

his demand and exactly what the defendant means by his answer. It may be that the process of pleading will show that there is no question at issue, but that when each perfectly understands the other it is found that there is no difference of opinion concerning the justice of the demand or concerning the sufficiency of the answer. In this case the defendant will confess judgment, or the plaintiff will withdraw his suit. If such is not the case, then the issue that has been developed by the pleadings will be tried by the court, and the parties to the suit will not be heard upon anything that is not contained in the issue. The court does not have to determine what these parties demand of each other, for that question has already been settled by the pleadings. The question is not what the plaintiff really means by his declaration, for the issue of the pleadings has been accepted by him as the exact statement of what he really means. And the question is not what the defendant really means by his answer to the declaration or demand of the plaintiff, for he has

said that now, since the issue has been made plain, the answer that he has finally made is his complete answer. The pleadings have developed the real question at issue by showing what each party to the suit means by his demand and his answer.

It is thus evident that the object of pleading in law is to make clear the attitude of two minds upon any subject of altercation; not to settle the question, but to make clear what the question is; not to pass judgment upon the merits of any complaint or charge or demand, but to find out what is the complaint or charge or demand after all possible misunderstanding concerning it has been corrected. That is, to state again exactly the thought of the plaintiff after he has heard the answer to his demands. The object of pleading is to make clear what is the thought in the minds of the parties to the suit; to make clear what is the demand and what is the answer to it; and this demand and answer constitutes the issue which is to be settled by the verdict of a jury. And the verdict of the jury is the inference which they will

draw from the evidence submitted to them. The science of rhetoric is concerned with stating ideas elegantly; the science of pleading is concerned with stating ideas clearly.

Section 2.—Pleading Illustrated

The following illustration will exhibit both the method and the object of pleading in law :

PLEADINGS IN BELKNAP *vs.* BOSTON AND
MAINE RAILROAD

Plaintiff's Déclaration

“In a plea of trespass, for that the defendant, at Melrose, in the State of Massachusetts, on the twenty-fifth day of June, A.D. 1867, with force and arms, assaulted the plaintiff, and then and there seized and laid hold of the plaintiff, and with great violence pulled, thrust, and dragged the plaintiff, and unlawfully and without right, through the defendant's car, then and there filled with divers people and strangers to the plaintiff; and did then and there, in the presence of many people, wilfully and

unlawfully, and without right, with great force, expel and eject the plaintiff from the defendant's cars, in which the plaintiff was then and there riding and had a right to be. Whereby the plaintiff was then and there greatly bruised, and also injured in his good name and credit, and subjected to the insults of many people, and did suffer great mortification and embarrassment of mind and feelings, and was delayed in his business and subjected to great censure by people having business at his office in Exeter, and was otherwise greatly injured and damaged.

“Also, in a plea of trespass, for that the defendant, on the day and year aforesaid, at said Melrose, did make an assault by their servants upon the plaintiff, and did then and there bruise, beat, and ill-treat the plaintiff, in the presence of divers persons, against the peace.

“Also, in a plea of trespass, for that the plaintiff, on the twenty-fifth day of June, 1867, was lawfully riding in the defendant's railroad cars from Boston to Exeter aforesaid; and while so riding, the defendant,

at a place called Melrose, with force and arms, did wilfully, unjustly, and without right, eject, expel, and thrust the plaintiff out of said cars in the presence of divers persons then and there being, and did then and there leave the plaintiff.

“By reason of the premises the plaintiff was prevented from reasonably returning to his place of business in said Exeter, and subjected to great censure, and was also greatly mortified, embarrassed, and injured in his feelings, and subjected to the disdain and contempt of the people then and there being, against the peace.

“To the damage of the said plaintiff [as he says] in the sum of five thousand dollars.”

Defendant's Plea

“And the said Boston and Maine Railroad comes and says that the said railroad is not guilty of the said supposed trespass in the plaintiff's declaration mentioned, in manner and form, as the plaintiff has above thereof complained against it, and of this the said railroad puts itself upon the country.

“ And for a further plea in this behalf, as to the assaulting, beating, bruising, and ill-treating of the plaintiff, and the seizing and laying hold of him, and pulling and dragging him through the defendant’s car, and the expelling, thrusting, and ejecting him from the said cars, as in the plaintiff’s said declaration mentioned, the said railroad, by leave of court for that purpose first had and obtained, says that the plaintiff, his aforesaid action against it, ought not to have or maintain, because it says that the said railroad, on the twenty-fifth day of June, A.D. 1867, and long before, was, and ever has been, the lawful owner of a certain railroad, and of certain cars lawfully and rightfully used by it for the conveyance of passengers for hire between said Boston and said Exeter, and divers other places on the line of its railroad ; and the said Belknap, on the twenty-fifth day of June, entered the said cars at Boston, as they were about to start for said Exeter and other places, and remained therein while the cars were running towards said Exeter and other places for the convey-

ance of passengers as aforesaid, without having procured the usual ticket required of passengers for their fare, and without having paid any fare for his conveyance in said cars from said Boston to any place. And while the said Belknap was so riding, the said railroad requested him to pay the usual and reasonable fare for being conveyed in said cars from said Boston to said Exeter, where he expressed his desire to go, which was one dollar and fifty cents, to which the said railroad was lawfully entitled; but the said Belknap absolutely refused to pay the same or any fare or compensation for being conveyed in said cars from said Boston to said Exeter; and upon his said refusal to pay any fare, the said railroad informed him that he must either pay his fare or leave the cars. But the said Belknap persisted in his refusal to pay any fare or compensation for being conveyed in said cars, and insisted in riding in said cars to Exeter without paying therefor. And thereupon the said railroad then and there requested him, the said Belknap, to leave the said cars and to go

and depart from and out of the same, which the said Belknap then and there absolutely refused to do, but unlawfully remained, and continued riding in said cars without the leave or license and against the will of said railroad, and without any right to do so ; and thereupon the said railroad gently laid its hands upon the said Belknap in order to remove him from the said cars, and did then gently lead him through said cars, and remove him therefrom at said Melrose, as it had a lawful right to do for the cause aforesaid, which are the said supposed trespasses in the introductory part of this plea mentioned, and whereof the said plaintiff has complained against the said railroad, without this, that the said railroad was guilty of the said supposed trespass, or any or either of them, elsewhere than in said cars aforesaid. And this the said railroad is ready to verify.

“Whereof it prays judgment if the said plaintiff his aforesaid action thereof against it ought to have or maintain, and for its costs.”

Plaintiff's Replication and Reply

"1. The plaintiff saith as a replication in answer to the defendant's second plea, that he paid his fare to the defendant from said Boston to said Exeter at the time he was riding in said cars, as set forth in his declaration, and of this he puts himself on the country.

"2. For a further replication to said plea, the plaintiff saith that before entering said cars at said time he purchased a ticket of the said defendant from said Boston to said Exeter, which ticket the said Belknap then had, and of this he puts himself on the country.

"3. And for a further replication to the said plea, the plaintiff saith that before entering said cars at said Boston, on said twenty-fifth day of said June, he paid the defendant the sum of one dollar and fifty cents to carry him from said Boston to said Exeter on the twenty-fifth day of June, in said train, and that he was in said train in pursuance thereof. And of this he puts himself on the country.

"4. And for a further replication in this behalf, the plaintiff saith that at the time he was ejected from said cars, as in said declaration mentioned, he was rightfully riding in said cars from said Boston to said Exeter by the leave and license of the defendant, and was rightfully in said car, and had the right to remain therein until the same reached Exeter. And this he is ready to verify. Whereof he prays judgment for his damages and costs.

"5. And the plaintiff further saith as a replication to said plea, that the defendant did not at said time gently lay its hands upon the plaintiff and gently lead him through the cars, as in said plea alleged, but did roughly and violently seize and remove said plaintiff from said car, using unnecessary force therein. And of this he puts himself upon the country."

Defendant's Rejoinder that Plaintiff was a Trespasser

"And as to the first, second, third, and fifth replications of the plaintiff, whereon

he puts himself on the country, the defendant does the like.

“As to the fourth replication of the plaintiff, the defendant says that the plaintiff ought not to have and maintain his afore-said action against the said defendant, because it says that the plaintiff at the time of his removal from said cars, as in said declaration mentioned, was not rightfully riding in said cars from Boston to Exeter, by the leave and license of said defendant, and was not rightfully in said cars, and had not the right to remain therein until the same reached said Exeter, as in said replication alleged. And of this the said defendant puts itself upon the country.”

An analysis of the pleadings in this case will show that their sole object is to disclose the real question at issue between the parties. The plaintiff demands damages because of injury to his person and feelings by reason of the defendant's trespass upon him. The defendant replies that by reason of the plaintiff's refusal to pay his fare he became a trespasser upon their

property, and that with as little force as possible they removed him from their cars, as they had a right to do. The plaintiff restates his case in view of this answer, denying both alleged grounds of justification, and saying that he did buy a ticket in payment of his fare, at the usual rate, and that the defendant did not put him off the cars with as little force as possible. The two parties take issue upon these propositions, and this issue is all that can be presented to the court. The plaintiff will not be permitted at the trial of the cause to say that the defendant was not in lawful possession of the car in which he was riding, and for that reason had no right to put him off, for he admitted the fact of their lawful possession when he failed to take issue with them upon that point. And the defendant will not be permitted at the trial of the cause to excuse themselves by saying that the plaintiff was ejected because he was drunk and disorderly, for they have offered as their only defence that the plaintiff was a trespasser and that his trespass consisted in his refusal to pay his fare.

So far as the principles of legal pleading apply, in general research, to the discovery of the question at issue, they will be set out in their appropriate sections in the following chapters.

CHAPTER II

WORDS

Section 1.—Ambiguity of Words

THE first step in the discovery of the question at issue is the discovery of the meaning of words. The interpretation of a word must be simply declaratory of what is in the word itself. The misunderstanding of words is one of the chief causes of the misapprehension of the question at issue. Most words have more than one meaning, and some words have quite opposite meanings. Celsus said the story of creation is false, because it declares that the world was created in six days, which cannot be true. But Justin replied that this is not what the Bible says ; that when the word day is first

used in the story of creation there was no sun, and consequently the word day in the story of creation is not the same day as the day in Celsus's objection. Celsus's objection is, therefore, not at all a reply to the allegation of the Bible story.

The term Higher Criticism is a more modern illustration of the way in which a misunderstanding of the meaning of words obscures the real question at issue, and gives rise to rejoinders and supposed answers which are in no sense directed to the issue that is raised by the term. Objection is frequently made to the term Higher Criticism itself upon the ground that the Bible should not be the subject of criticism, that criticism is not a proper method of Biblical study, and that the term Higher Criticism is itself an assumption of dignity or even of authority. Both of these answers to the term are entirely apart from the question, and both of them altogether miss the real meaning of the words. The word criticism is a translation of a German word which means research carried on according to established principles of inquiry,

with reference to the organization, composition, or structure of the subject of the inquiry. It is the word used in the title of Kant's famous work, "The Critique of Pure Reason." It does not at all mean criticism in the invidious sense of the word, and, as applied to the Bible, it does not in itself mean a hostile examination any more than it does when applied to the reason. The word higher is frequently misunderstood in much the same way. Scientific Biblical research naturally begins with the study of the manuscript records for the purpose of discovering the history of the records themselves. This is the foundation work of the research, and is naturally called the Lower Criticism. The Lower Criticism is the "text critique," and its work is the comparing of the various manuscripts and the determining of the correct readings. To an English-speaking student the term Primary Research would fairly well express this process. The next course of investigation is naturally the study of the literary structure and contents of the records, and it is concerned with their age, integrity,

authorship, and authenticity, but not with the question of their moral authority. As this investigation rests upon the work of the Lower Criticism as upon a foundation, it is called the Higher Criticism. The term signifies that it is logically a subsequent step in the research. The term Secondary Research would fairly well represent what the term Higher Criticism means in the universities where it originated. Substantially the same distinction is expressed in mathematics by the terms Higher and Lower Algebra. It is possible intelligently to take issue with the conclusions of Biblical criticism ; but it is not possible intelligently to take issue with the phrase.

The difference of opinion concerning the value of a creed and its place in religion arises from two quite different uses of the word creed ; and two persons using the word in different senses have never really joined issue upon any question. At the time when creeds were being formulated there were two Latin words for the two ideas to be expressed, while now we use but one word for the two ideas. The two

words were *credita* and *credenda*. *Credita* meant the things that are believed; *credenda* meant the things that must be believed. *Credita* was a confession of faith; *credenda* was a stated requirement for permission to teach or to hold certain offices, or for fellowship in certain religious orders, or in church. Our word creed has to express both of these ideas, and in this way gives rise to much confusion. For instance, one may say that there can be no real religion without a creed, meaning by creed some definite belief, a *credita*, and perhaps he is right; while another may say that there can be no real religion where there is a creed, meaning by creed a system of doctrine to which assent is demanded, a *credenda*, and in this sense perhaps he, too, is right. It is clear that there can be no religion without a creed in the first sense, for that would be a religion in which nothing is believed. If a man says that Christianity is not belief in any particular teaching, not even in the Bible itself, but that it is the confidence of the whole self fixed on Christ, then that man has this

definition for his creed in the first sense of the word, for this is a statement of what he believes. On the other hand, it is equally clear that there can be religion without a creed in the other sense of the word. For instance, one man may still take an interest in the old *homoousios* and *homoiousios* discussion, and he may be a better man for having a creed upon the subject in the first sense of the word creed; but to have a creed upon this subject in the second sense of the word creed,—to have a belief on this subject and to demand that all Christians should hold the same belief,—this, certainly, would not be essential to Christianity. In this way one may say that a creed is essential to religion, and another may say that a creed is not essential to religion; and both would be right, meaning different things by the one word creed. In such a discussion it is evident that there has never been any question at issue; their minds have never met upon any proposition clearly understood by both, and affirmed by one and denied by the other.

It is not certain what people the word

Hebrew in its earliest use meant, and misapprehension of the meaning of the word has frequently obscured the real question at issue. One of the Amarna tablets, discovered in Egypt, contains a letter from the **עֲבָרִי**, in Canaan, asking the Pharaoh to come to their help against some native tribes of Canaan. The word **עֲבָרִי** is the word that is translated "Hebrews," and was supposed to mean the nation Israel; and as the tablet was of the fifteenth century before Christ, it was supposed to prove that the exodus had taken place in that century. But it is now known that the word **עֲבָרִי** meant outlanders, or immigrants, and was applied to any nation coming into Canaan from beyond the Euphrates river. The word **עֲבָרִי** on the tablet may or it may not mean Israel. Whether the issue raised by this inscription is the date of the arrival of Israel in Canaan, or whether the question at issue is the date of the arrival of some other immigrant nation, cannot be determined until it is known what people in this case the word designates.

The ambiguity of words is well illustrated

in the story of Cain and his offering. In the Revised Version it is translated, "And if thou doest not well, sin croucheth at the door; and unto thee shall be his desire, and thou shalt rule over him." This would mean that sin was crouching at the door like a ravenous beast with a desire to destroy Cain, but that he should beat it off or kill it. But there are five words in this passage that may be intended by the author to convey very different meanings than those conveyed by the English translation. The word **אם** means "although" as well as "if"; the word **חַטָּאת** means "sin-offering" as well as "sin"; the word **רָבַץ** means "to crouch timidly" as well as "to crouch savagely"; the word **תְּשׁוּקָה** means "timid desire" as well as "savage desire"; the word **מִשַּׁל** means "to appropriate for one's own" as well as "to defeat in battle." The whole passage, therefore, might well be rendered: Although thou art not doing well, yet a sin-offering lies meekly at the door; it is waiting for thee; go and appropriate it for thine own. The idea being that although Cain was not do-

ing well to be angry, yet God would accept him if he would go and get a sin-offering, as Abel had done ; and that although Cain was not a keeper of sheep, yet there would be no trouble to find one ; the fields were full of them ; he would find one before his tent, meekly waiting for him as though it wanted to be taken ; and that he should master it, throw it down, and tie it. If this is what these words meant to the writer, then the mind of the English reader does not meet the mind of the Hebrew writer, and there is no issue joined.

In the narrative of the return of Joseph with Jesus and Mary, we read : " But when he heard that Archelaus did reign in Judea in the room of his father Herod, he was afraid to go thither ; notwithstanding, being warned of God in a dream, he turned aside into the parts of Galilee." Here the connective *de* is translated *notwithstanding*, and suggests the idea that Joseph was disobedient to God's warning ; but the Revised Version translates the connective by the word *and*, presenting what no doubt was the meaning of the writer.

It is thus clear that if a word can convey more than one idea in the connection in which it is used the reader must in some way determine which is the meaning that the author intended. In law a party is held strictly to what he has said, and the court does not stop to ask whether these words are intended to convey their usual technical meaning ; it is assumed that they do. In making a declaration of a cause of action, or in framing an indictment, a lawyer may be confident that he will be understood by the court. But in general literature this is not so. In certain arts and sciences certain words have their own technical meanings which cannot be misunderstood ; but in common speech words are used generally, not technically, and the same words convey different meanings under different circumstances, and they frequently convey different meanings to different persons and are differently used by different persons under identical circumstances. The work of Christ is variously expressed by the words salvation, propitiation, redemption, atonement, and reconciliation. To one

man some one of these words might express his idea of the entire work of Christ, while another man would need all the words to express his conception of the work of Christ, using them all with very accurate discrimination. When Christ is said to have ransomed men, no doubt one writer would mean that he paid the ransom to God, while another would mean that he ransomed man from Satan.

In thus determining what an author meant by the word he used, the process of pleading must be carried on in the mind of the reader. He must ask whether the author meant this or that, and must in some way determine what the author's reply would be. In legal pleading the defendant's answer to the plaintiff's declaration is handed to the plaintiff, and his restatement of the question in turn is presented to the defendant for his further answer. In general research some similar process must be carried on in the mind of the reader, the changed and more involved conditions of the inquiry of course largely precluding the simple rules of legal pleading. The natural

process of research for the meaning which an author intended to convey by the words which he used is indicated in the following principles.

Section 2.—Primary Significance of Words

Words are to be construed in their primary sense if the facts of the case admit this construction ; but if the facts of the case exclude the primary meaning of the word, then circumstances are to be examined, and the weight of the evidence is to determine its secondary meaning. The question is whether one shall enter upon a research for the meaning of the word that is in harmony with all the facts of the case, or whether he shall invent facts to give color to his own use of the word. As used by a Protestant the primary meaning of the word Scripture is all the books of the Old and of the New Testaments ; as used by a Roman Catholic the word means the books of the Old and of the New Testaments, together with certain other books called

the Apocrypha. In the declaration, "All Scripture is given by inspiration of God," it is evident that neither of these is the meaning that Paul intended, for much of the New Testament was not in existence when he wrote the words. The secondary meaning is, therefore, to be determined by the circumstances of the case. The only question to be determined is what meaning Paul intended to convey to Timothy by the use of the word Scripture. The declaration is now made to include the document that Paul was writing at the time ; but it cannot be supposed that he had his own epistle in mind when he used the word. It does not matter that he might have been willing to say the same thing after the New Testament was finished ; the question is not what he might have said, but what he did say. The words "One Lord, one faith, one baptism," are sometimes cited to show Paul's position in the controversy concerning what the act of baptism is. But since that controversy had not risen in Paul's day, it is evident that this is not what he meant by the words.

Section 3.—Local Color of Words

Words are to be construed in the light of the customs and habits of thought prevalent when and where the words were spoken. The Oriental custom of sowing seed in the meadow covered by water is evidence of this kind to show the meaning of the words "Cast thy bread upon the waters, for thou shalt find it after many days."

At the battle of Rephidim it is said that when Moses held up his hand Israel prevailed, and that when he let down his hand Amalek prevailed. In the late British war in the Soudan some of the standards captured from the Soudanese were large wrought-iron banners in the form of a human hand, and intended to symbolize the protecting power of God. If Moses held up his own physical hand, it was, no doubt, like the Soudanese banners, as a symbol of the protecting power of God; and it may well be asked whether the word hand as used in the story of the battle meant the physical hand of Moses, or

whether it meant some other kind of a standard symbolizing the same thing.

Different nations have customs of life and habits of thought that are widely different and sometimes entirely antithetic, and words involving these habits and customs must be interpreted in the light of them. The Occidental begins a book at the first page, while the Oriental begins it at the last. The Occidental takes off his hat and puts on his shoes as a sign of reverence, while the Oriental puts on his hat and takes off his shoes. When the Occidental goes to bed he covers up his feet and puts out his head ; the Oriental covers up his head and puts out his feet. The Occidental says, "My brother is alive and he is well." The Oriental says, "My brother is well and he is alive." The Occidental says, "I have twenty hands working on my farm." The Oriental says, "I have twenty feet working on my farm." These different uses of words arise from the different habits of thought and the different ways of life. In the East, where there is neither railroad nor telegraph, the

value of a slave depends largely on his fleetness of foot, and so he is designated by his most useful member. In the West fleetness of foot is of no value, but skill of hand is everything, and so the laborer in the West, too, is called by his most useful member. In the East, where all life moves sluggishly, one may well afford to make the last place the place of honor, and say, "Me and you"; but in the West, where conceptions of life are different, it becomes necessary to recognize the first place as the place of honor, and say, "You and me." Words thus have their necessary meanings, which are in no sense arbitrary, but which arise from the natural manners and conceptions of the people who use them.

These customs of life and habits of thought are of profound importance in interpreting the symbolism of religion. It is in the light of this principle of local color that it must be determined what, if any, was the influence of the Egyptian and the native Canaanitish and the Babylonian religions upon the symbolism of the religion of Israel; and what the influence of Grecian

conceptions upon the forms of Christian theology ; and what the influence of heathen worship upon the ritual of the Christian Church ; and what the influence of the Roman government upon the organization of the Christian Church.

Section 4.—Antithetic Words

Words are to be construed in the light of the meaning of any other word to which the word in question is used as an antithesis. It may be true that no word has an exact synonym, but many words have exact antitheses. In the sentence, "Of his fulness have all we received, and grace for grace," the word fulness finds its antithesis in the word emptiness as used by Paul, where he declares that Christ "emptied himself, taking the form of a servant, being made in the likeness of a man ; and being found in fashion as a man, he humbled himself, becoming obedient unto death, yea, the death of the cross." It may not be possible to form a direct conception of the fulness of Christ, but it is possible to form an indirect conception of it by understand-

ing that his life under earthly conditions was his *kenosis*,—his emptiness,—and that it is a necessary inference that his fulness is the antithesis of the conditions that were involved in his earthly life. His fulness, therefore, at least means the absence of the limitations that are essential to humanity and that were involved in his humiliation. Whatever divine favor belongs to Christ now in his exaltation, it is of that grace that the Christian receives ; and what that grace is may in some degree be understood by knowing that it is the antithesis of what his emptiness was.

The word faith as used in the New Testament is to be construed in the light of the fact that its antithesis is the word sight. The word faith is not used as antithetical to reason ; it is used as being in perfect harmony with reason. Faith is expressed by self-committal to God, and this is called a rational service,—a service of the reason. But the word faith is used as antithetical to the word sight, to the worldly and selfish temper, to the vision that is limited by time and sense.

The word spiritual as used in the New

Testament is to be construed in the light of the fact that its antithesis is the word carnal. The word spiritual is not used as antithetical to the word material ; the spiritual use of a thing may be a material use of it, as the giving of a cup of cold water. But the word spiritual is used as antithetical to the word carnal ; and the word carnal does not in its primary sense mean gross or sensual : it means the preponderance of the lower instincts.

Provided that the antithetical idea is complete and discloses all that the word under consideration does not contain, it would be impossible to get a wrong idea of a word when it is construed in the light of its antithetical idea. It would be impossible to convey a more accurate idea of the word sermon than by saying that anything which could have been written if Christ had never come to earth is not a sermon. Or, to say that any life that would be none the poorer if Christianity were proved untrue is not a Christian life, accurately conveys the idea intended by the words Christian life.

But unless the supposed antithetic word

is a perfect antithesis, great confusion will arise. If the content of a word be represented by a circle, then the antithetic word must represent all of that class of things which lies outside of the circle. The antithesis of conformist is not non-conformist, or one who refuses to conform; it is not-conformist, or one who is in no way concerned with the question of conforming. The antithesis of entity is not non-entity; it is not-entity. An adverb is not a non-entity, but it is a not-entity. Time, like an adverb, is neither an entity nor a non-entity; it is a relation of the conscious world to the unconscious world.

As a corollary to the principle that words are to be construed in the light of the meaning of antithetic words, it must be observed that words are also to be construed in the light of the meaning that was evidently intended where there is a similar use of the same word. In the phrase already quoted, "grace for grace," the word for is to be construed in the light of the evident meaning intended in the similar construction, "an eye for an eye and a

tooth for a tooth." The meaning here is, that if a man maimed another by destroying his eye or his tooth, the criminal was to be punished by the loss of an eye or a tooth, the word for indicating strict correspondence. The construction is the same in the phrase "grace for grace," the word for indicating exact correspondence. It means that where Christ has a grace the Christian has a corresponding grace. It is as though one workman were to say to another, "My wages are the same as yours, dollar for dollar ; where you have a dollar, I have a dollar to match it." When the German emperor died and the sculptor made a plaster cast of the emperor's face, the cast corresponded to the face, feature for feature, line for line ; where there was a line on the dead man's face, there was a line on the plaster cast to match it. The quotation from John means grace corresponding to grace.

Section 5.—Inflected Ideas

Words are to be construed in the light of their grammatical inflection. Words are

inflected to represent the inflection of the ideas which they represent. The various moulds of a word hold the various forms of the idea of which the word is the expression. In languages which are not made up of importations from other languages, but which are pure and integral, and which have been developed along with the development of social life, vocabularies are not large, and the variations of the idea conveyed by the word are expressed by the inflections of the word itself, rather than by some other word. These inflected forms of words convey with great discrimination and with great exactness the various forms of the idea, and the word is to be construed strictly in the light of its grammatical inflection. The Hebrew word שָׁחַת means to act wickedly, to corrupt. But שָׁחַת is the simplest form of the word, and the word is never used in that simplest mood, because it is impossible simply to corrupt, the very conception carrying with it the idea of complete destruction. The word is used, therefore, only in one of its intensive moods, and instead of being שָׁחַת, which

would convey the idea of simple corruption, the word is always used in one of its intensive forms, as **שָׁחַת**, which means to destroy. In the story of the Deluge it is written, "And the earth was corrupt before God, and the earth was filled with violence. And God saw the earth, and, behold, it was corrupt ; for all flesh had corrupted his way upon the earth. And God said unto Noah, The end of all flesh is come before me ; for the earth is filled with violence through them ; and, behold, I will destroy them with the earth." Here this word is three times used to mean both corruption and destruction. To say that the earth was corrupt before God is to say that the earth is already destroyed in God's view of the case ; and to say that God will destroy the earth is only another way of saying that he will bring its corruption to its natural conclusion. In deepest reality corruption is destruction, and the sinner is a suicide ; penalty corresponds with transgression and is the outcome of it ; sin is death in the making ; death is sin in the final inflection.

Sometimes the idea intended to be con-

vayed by a word may be had by an examination of the root out of which the word has grown. The content of the word educate, as the word is still used, may be had from the etymology of the word ; but the etymology of the word pedagogue will scarcely serve to throw any light upon the idea in the mind of one who uses the word to-day. Many offered derivations of words are mere guesses. The word God has no etymological relation to the word good, notwithstanding the common supposition. There is as good reason to believe that the name *Yahweh* meant the Destroyer as that it meant the Self-Existent One ; and a study of the name will scarcely throw any light upon the nature of the Being whom the name now connotes. Even when the derivation of proper names is well established it can be of small use in ascertaining the identity that the name is now meant to suggest. The street called Rotten Row was originally called Rue de Roi, but that fact would be of very slight use in ascertaining what thoroughfare is now meant by the name.

Section 6.—Shades of Meaning

The meaning of a word may sometimes be determined by discovering the way in which the word differs from another word to which it bears a family likeness. Light is thrown upon the meaning of the word wisdom by differentiating it from the word knowledge. The word knowledge has reference to the apprehension of facts and relations ; the word wisdom has reference to the exercise of the judgment upon the moral quality of the facts and relations apprehended.

In the same way the word character is to be differentiated from the word reputation. The circumstances amid which you live determine your reputation ; the truth you believe determines your character. Reputation is what you are supposed to be ; character is what you are. Reputation is the photograph ; character is the face. Reputation is a manufactured thing, rolled and plated and hammered and brazed and bolted ; character is a growth. Reputation comes over you from without ; char-

acter grows up from within. Reputation is what you have when you come to a new community; character is what you have when you go away. Your reputation is learned in an hour; your character does not come to light for a year. Reputation is made in a moment; character is built in a life-time. Reputation grows like the mushroom; character grows like the oak. Reputation goes like the mushroom; character lasts like eternity. A single newspaper report gives you your reputation; a life of toil gives you your character. If you want to get a position, you need a reputation; if you want to keep it, you need a character. Reputation makes you rich or makes you poor; character makes you happy or makes you miserable. Reputation is what men say about you on your tombstone; character is what angels say about you before the throne of God. Reputation is the basis of the temporal judgment of men; character is the basis of the eternal judgment of God.

Section 7.—The Idea of Definition

Words are to be construed in the light of their accepted definitions, provided always that this idea of the word is in harmony with the idea of what has already been determined to be the author's declaration. It is to be presumed that an author is consistent with himself; and unless the accepted definition is in harmony with the evident idea of the author's whole case, some other definition must be found. Technical words are an exception to this rule, because by common consent and by reason of the necessity of the case it is agreed that technical words shall be construed in strict accord with their technical meaning, no matter how inconsistent with himself such a construction may make an author seem to be. Every science and every art lays its own claim upon certain words and gives them a meaning in some degree different from their usual meaning, and the word is to that degree technical; that is, its meaning when used in that science or that art is exceptional to its common use. The

word wisdom in the Old Testament means right judgment and feelings concerning religious truth, and conveys nearly the idea of the modern word spirituality, or spiritual mindedness. In construing the word wisdom, therefore, the circumstances must determine whether it is to have its Old Testament technical meaning, or whether it is to have its modern construction. In construing a mortgage every word is to be construed technically, because a mortgage may be supposed to be written with great care and deliberation, and upon mutual consultation between the mortgagor and mortgagee, and it represents the common agreement of two minds. To put any other than the technical construction upon any of the words would, therefore, result in injury to one of the parties, and would make the mortgage mean to one person something different from what it meant to another. But a will is construed less technically, because it is frequently necessary that a will shall be written hurriedly or without legal advice. In such cases it is permissible to show that the testator meant

something quite different from the technical meaning of his words.

A definition consists of a *genus* and a *differentium*. The *genus* shows the class of things to which the word belongs ; the *differentium* shows the characteristic in which the word differs from others of the same class. If the word sermon be defined as a discourse for religious instruction and grounded upon some text of Scripture, the definition will show that a sermon belongs to the genus of discourses, and that it is distinguished from others of that class by having religious instruction for its object, and that it is further distinguished from other discourses by being founded upon Scripture.

Words that do not belong to any class are incapable of definition ; they are *sui generis*, of their own class. Perhaps the broadest of all words is the word being. All classes are classes of being ; hence there is no class to which this word itself can be referred. And since there are no other words of the class, there are no ways in which it is distinguished from other

words of its class, and it therefore has no *differentia*, and therefore is not definable in the usual sense of the word definition. In the same way and for the same reason the words space and time are not definable. Each is *sui generis*, and there is no class of facts or of ideas to which it can be referred. But it is scarcely possible that there should be any difficulty in construing the words space and time, because since there is no other word of the same class from which either of them may be differentiated, there is no other word with which it could be confused.

Explanation is a kind of definition. A thing is explained when it is referred to its place. A French word is explained by referring it to its place in language, as by giving the corresponding English word, and thus showing how the same concept is expressed there. The word lever is sufficiently explained by referring it to its place in mechanics, by exhibiting the principles that govern its use, and by showing its relation to other mechanical devices. The word dew is sufficiently explained when it

is referred to its place in nature by showing how it is produced and how it is prevented. When this has been done it is impossible not to know what object the author intends by the use of the word. It is foreign to the issue to ask whether the author believes that dew has curative properties or whether dew contains more nitrogen than rain-water does. The only question at issue is what thing the author means by the word dew. The name Bacon is explained by referring it to its place in history or philosophy or literature. After this has been done there can be no further doubt which Bacon is meant by the use of the word ; and this is the only question at issue.

It is evident that no one of these suggested methods of construing words can be conclusive in all cases. These mental questionings are the pleadings in the case, by which the real question at issue is to be discovered, so far as the issue is involved in the word apart from the proposition. The word itself is the declaration of him who has used it. If there is any doubt what he

meant by the word, that doubt must be resolved before the mind of the reader can meet the mind of the author upon the question at issue. In the research for the meaning of words the mind would, consciously or not, ask such questions as would be closely parallel to the course of legal pleading, and the conduct of such research may to some degree be regulated by the principles of legal pleading.

CHAPTER III

PROPOSITIONS

Section 1.—Things known only in their Relations

THE perfection of pleading is to state ideas and facts with the greatest possible brevity that is consistent with certainty and precision. In the research for truth the problem is to construe propositions, not to construct them ; and the process will be to free the statement of the author from all

surplusage and uncertainty, and constantly to have in mind the question, Clearly and briefly stated, what does this author mean? or, If this author had stated what he meant with the greatest possible brevity and at the same time preserved certainty and precision, just what would he have said.

The subject of the preceding chapter was the content of words. The process of research for the meaning of words was found to be a process of question and answer, the reader mentally asking if the author means this or means that; or what the author would answer if he were asked if this suggested idea is what he means. The same process must be followed in the research for the meaning of propositions. An analysis of the mental attitude of the reader will show that either he is passively accepting what he reads, which is by no means a process of research, or else he is consciously or unconsciously offering amendments or objections to the propositions of the author. In the process of research for the meaning of propositions the mind is constantly asking such questions

as, Does the author really mean what he seems to say? Should not his proposition be modified to meet these other facts? Would not this suggested form of the proposition more accurately state the case? What would the author reply to this objection that I offer? Does not my statement of the case more accurately represent the facts? There can be no doubt that it is by a process of this kind that the mind comes either to accept, or to modify, or to reject the propositions that are presented to it.

Things can be known only in their relations. When one has told all that he knows about a thing, he has only told its relations to other things. When he has defined it, he has shown the relation it bears to its class of things; when he has told its form or mode of existence, he has told how its form or mode of existence is related to other forms and modes; when he has described its origin, he has stated its causal relations. It is evident, therefore, that in order successfully to conduct such a process of research one must know what

other possible words and propositions there are, and what other views of the case may be had. In order to determine whether an author really meant wisdom when he used that word, or whether he really meant knowledge, one must know that there is such a word as knowledge. The same is true in the research for the meaning of propositions ; he must have a stock of ideas as well as a stock of words, that he may try them one by one to determine whether some other proposition may not more exactly express the idea. A man may hold a theory never so positively, and be able to define that one theory never so clearly ; yet if he does not know what other theories of the case are held by other men, he is not in a position to make further research. One may stand never so securely upon a stepping-stone, yet progress is impossible if all other stepping-stones are out of sight. In order to ask any intelligent question concerning any theory of the Atonement, one must have in mind, however indefinitely, at least the elements of some other theory of the Atonement. His ques-

tion does itself suggest some different or modified theory; and the more clearly defined this latent idea is, the more direct and keen will his questions be. It is thus apparent that without some conception of the various possible theories, one can have no very clear conception even of the one theory with which he is confronted; for he cannot know it in relation to other theories,—that is, he cannot know it in relation to other things of its own class,—and it is not possible that anything can be known apart from its relation to other things of its class, when it is in a class; and if it is not, then the thing is not really known until it is discovered that it is a class of itself. The man who has the widest knowledge of the various theories of the Atonement, however erroneous many of them may be, does himself, and by reason of that fact, have the best intellectual knowledge of the saving work of Christ. This is why that education is best which does not demand the acceptance of any one theory upon any given subject, but that does furnish a clear conception of the various possible theories.

Section 2.—Propositions are assumed to be True

An affirmation is not to be denied if there is any way in which it can be true. If it is not true in its ordinary, *prima facie* meaning, then the question must be asked, Is there any construction to be put upon this proposition in the light of which it will be true? In the research for truth it ought to be assumed that there is truth somewhere in the region where the search is being made. When a man alleges that he has done a thing, he may mean that he has caused it to be done; and so his proposition would be strictly true, according to the well-established principle of agency that one himself does what he causes to be done. For the same reason an agent may truthfully attribute to his principal, words or actions of his own that were said or done in the legitimate province of his agency. The phrase, "Thus saith the Lord," may in some connections be used to introduce words actually attributed to God, while in other connections the phrase may intro-

duce the words of one who is speaking as God's agent. In the same way a general denial may indicate more than one kind of a negative. One may truthfully deny that he has made a deed if he signed the deed because of threatened violence. Under those circumstances he did not make the deed, though he did write his name at the end of it. In pleading a general denial to an action on a simple contract,—that is, a contract that is not under seal,—the defendant pleads *nil debit*,—that he does not owe, and under this plea he may not only deny a sale and delivery, but he may show a release, satisfaction, or arbitrament; and the substantiation of any of these answers will sustain his denial. In an action to recover goods that are wrongfully detained, the defendant may answer *non detinet*, and under this plea he may not only show that he does not detain the goods, but if he can show that the goods are not the property of the plaintiff he has successfully made out his denial. In an action of replevin the defendant may answer *non cepit*,—that he did not take; and under this plea the de-

fendant may show that he did not take the goods in the place alleged, or that the plaintiff had no title to the goods. It is thus clear that a general denial may mean more than one kind of a negative. If the denial is not true in its *prima facie* sense, search must be made for some sense in which it can be true. The question is whether the proposition is true in any sense or in more than one sense ; and, if so, what is the intended sense ?

If more than one construction may be true, that one is to be accepted that is most definite and positive. Many propositions, in themselves quite clear, are so obscured by surplusage and irrelevant matter, that their real meaning is doubtful. Any hole will look deep if it is made dark enough. The simplest form of the proposition is most likely to be what the author meant. Since ideas as they form in the mind are simple and definite, it is scarcely possible that a sane mind should give birth to insane ideas. It is not commonly true to say of an involved and obscure proposition that the author does not know what he

is talking about. The more probable case is that the idea was so clear and simple to him that he did not realize that his comments upon it would make it obscure to other minds. For this reason, if a proposition is susceptible of more than one construction, the simplest explanation of it will probably give the author's meaning.

The essential idea of a proposition must be separated from the surplusage and redundant parts. If a proposition is inconsistent with itself, it must, of course, be denied. It is no more possible for the mind to assent to a proposition that is inconsistent with itself than it would be to make a circle without a circumference. The circumference is a condition of the circle, and self-consistence is a condition of truth. But before rejecting a proposition on the ground that it is inconsistent with itself, it must be determined whether the repugnant part is merely superfluous and redundant, so that it may be rejected as surplusage without materially altering the general sense and effect; and, if this be so, it is to be rejected, and the rest of the proposition is to be ac-

cepted as the real meaning of the author. Any other treatment of a proposition would be a mere quibble with words, unworthy to be called research. Sometimes an author sets out the inducement to his declaration, or the process of thought that has led up to his conclusion. This inducement is no part of the question at issue, and must be separated from the essential idea which is intended to be set out in the declaration. The object of the research is to ascertain what the author says, not the process of thought that led him to say it.

Section 3.—Antecedent Allegations

Every proposition is to be construed in the light of matter antecedently alleged in the same record. When Paul has made it clear that by works he means works of the law, then what he subsequently says about works is to be construed in the light of this antecedent explanation. When James has made it clear that by works he means works of faith, then what he subsequently says about works is to be construed in the light of this antecedent explanation. When,

therefore, Paul teaches that a man is not justified by works, and James teaches that a man is justified by works, these two propositions are not at issue. Construed in the light of what is previously alleged in the same record, Paul says that a man is not justified by works of the law, and James says that a man is justified by works of faith, and it is at once apparent that there is no question at issue between the two. Yet volumes have been written attempting to reconcile two parties between whom there is no contention ; trying a case where there is no question at issue ; seeking to give one party a verdict against another of whom he has not asked it.

The first step in research is thus seen to be the science of pleading ; the discovery of the question at issue. The discovery of just what an author means is essential to all research. One proposition is to be construed as meaning all that it can mean ; another is to be construed as meaning no more than it must mean. To Him who knows what is in man it was sufficient to

say, "Lord, I believe." But when that declaration is addressed to man, the process of research alone can determine what it means. For belief may mean belief in Jesus of Nazareth as a divine teacher, but not as a divine Saviour; it may mean belief in God as a force inherent in the constitution of things, but not belief in God as a person; it may mean belief in the Holy Spirit as a pervasive influence for good, but not as the personal presence of the Son of God; it may mean belief in law, but not in providence; it may mean belief in the penalty of sin as an outraged conscience, but not as a ruined soul. Until the question at issue is clearly determined, there can be no further intelligent research. It will be idle to ask whether the allegations are true, or to ask what are the consequences if they are true, until it is clearly determined what the allegations are.

PART II

EVIDENCE

“Ut veritas, ito probatio, scindi non potest: quæ non est plena veritas est plena falsitas, non semiveritas; sic, quæ non est plena probatio, plane nulla probatio est.”—
JACQUES CUJAS.

(Proof, like truth, cannot be split: what is not a whole truth is a whole falsehood, not a half truth; so what is not a whole proof plainly is no proof at all.)

CHAPTER I

THE PRINCIPLES OF EVIDENCE

Section 1.—Evidence Defined

THE science of evidence is the process of discriminating between the facts that are relevant either to substantiate or to refute the question at issue and the facts that are irrelevant or foreign to the issue, together with the process of determining the weight or probative value of such relevant facts.

In the practice of law there are well-established rules concerning the admissibility of evidence. For example, that evidence is not admissible to show that no consideration was given in a contract under seal, unless it has already been shown that the contract is vitiated by fraud ; or, that evidence will not be admitted to prove a debt after a certain time ; or, that evidence will not be admitted to prove a crime after the accused person has lived within the

jurisdiction a certain time without being indicted. These are irrebuttable presumptions of law. They are not called irrebuttable because it would be impossible to rebut them, but they are so called because the law does not permit them to be rebutted. They are either rules of the common law or special statutory enactments, which being part of the law cannot be disregarded by either the court or the jury. These presumptions are not natural and logical inferences inevitably arising from the facts; they are legal inferences which the law as a matter of sound policy directs shall always be drawn from certain facts. A signed receipt for money may be questioned at law, but a receipt that is sealed as well as signed may not. Yet the addition of a seal does not logically prove payment, though it does prove it legally.

Rules concerning the admissibility of evidence therefore belong only to the specific science of legal inquiry, and not to the general science of logical research. In logical research the only question concerning evidence is the question concerning its

relevance and its trustworthiness. All evidence that is relevant is admissible for what it is worth, subject always to the exception that when evidence comes from a source so notoriously unworthy of confidence as itself to be tainted with suspicion from its very origin, the process of research should not be hampered by admitting it. There are no arbitrary rules of evidence in general research, like those that are necessary in the conduct of legal inquiry. Logical research is governed only by principles, while legal inquiry is necessarily governed by rules as well as by principles. In general research the question is not whether one has a signed and sealed receipt for money; the question is whether he has made payment; and there is no presumption on any question, for or against, so strong as not to be subject to rebuttal; and all evidence that will go either to establish or to refute the question at issue is relevant, and is therefore admissible, unless it is inherently untrustworthy and tainted with a suspicion that cannot be removed.

Section 2.—Relevance

The test of the relevance of evidence is the question whether any amount of such evidence would be sufficient to support a conclusion. The question is not whether offered evidence would settle the question at issue, nor even whether it would strongly tend toward the settlement of it. The question is whether it would tend that way at all. When evidence is gathered into a mass it has the appearance of holding together like a rope. If the offered evidence is even a very small filament in such a rope it is relevant, no matter how small a part of the bond it alone may be. The hue of a single feather in the crest of a pigeon is relevant to the question of the variation of species by natural selection, but the geological structure of a continent is not.

Section 3.—Probative Value

The determination of the weight or probative value of single facts is an original function of the mind exerting itself in the

act of judgment. The determination of the weights of material things is accomplished by an original function of the mind exerting itself in judgment upon the muscular effort required to lift the objects. The mind does not judge the things lifted ; it judges the different nervous and muscular efforts required to lift them. The various senses of effort are themselves the data which the mind directly considers. The process is incapable of analysis. It is a simple process of mind which cannot be analyzed into parts. The weight of evidence in the same way is determined by a simple process of mind which cannot be analyzed and that conforms to no known rules. There is a sense of mental effort experienced in assenting to evidence. That to which the mind yields assent with the least effort is most likely to be true. Experience has shown that one sound mind can estimate the probative value of a fact about as well as another. The law recognizes expert witnesses, but it does not recognize expert jurymen. This principle is not to be confounded with the science of

inference, or the drawing of conclusions from data. It applies only to the probative value of facts in themselves, and is distinct from the mental processes of induction and deduction by which the mind determines what inferences must be made from given data. Upon a mass of data submitted to a jury the jury may be divided, and yet all the members of the jury may have followed the same course of mental inquiry upon the evidence submitted to them, and they equally may have observed the categories of thought and the principles of logical judgment. In that event their failure to agree upon a verdict arises from the fact that the data submitted to them have different probative values in the minds of the different men. One light may be brighter to one man than it is to another. That is a matter of immediate judgment upon the nervous stimulus furnished by the light, and does not at all depend upon the principles of logical inference. In the same way the mind apprehends the probative value of facts.

Section 4.—The Burden of Proof

When the process of pleading has set out the question at issue, the inquiry arises, Upon whom is the obligation of proving the question? The answer is, That the burden of proofs rests upon him who makes an assertion. The burden of proof is not put on him who asserts the affirmative of an issue upon the ground, as sometimes supposed, that a negative is incapable of proof. If a negative is in any way qualified, as by time or place, as that an event did not occur in a specified place or at a specified time, such a negative would be perfectly capable of proof. If an action is brought upon a contract in which the defendant has covenanted to repair a house, the plaintiff naturally makes his declaration that the defendant did not repair the house, and the defendant will probably reply that he did. In this case, as usual, the burden of proof is on the plaintiff, though the question at issue is a negative one in form; and the defendant has nothing to prove until the plaintiff has made out his case, though

the defendant's answer is affirmative in form. In an action for malicious prosecution the plaintiff must prove that the defendant did not have a probable cause for the prosecution of which the plaintiff now complains. It is frequently easier to prove a negative than an affirmative declaration. The declaration "There is none that doeth good, no, not one," is negative in form, but to prove the solidarity of the human race and that evil is a part of the natural constitution of the race would be to prove the declaration. The declaration "All men are liars" is affirmative in form, but it would be exceeding difficult to prove it.

The burden of proof is on him who makes an assertion, because he who makes a declaration may well be supposed to have access to the evidence that will prove what he has said. The object of research is to discover the truth, and because no man is justified in making a declaration unless he can produce the proof of it, therefore the burden of disclosing the evidence is put on him.

An apparent exception to the rule that

the burden of proof is on him who makes a declaration is that by certain universal presumptions the burden of proof is shifted from him who makes a declaration that rests upon such a presumption to him who denies it. The orderly course of nature, the modes of mental action, and the categories of thought are universally presumed to be permanent ; and if any one makes an affirmation resting upon these universal assumptions, the burden of proof does not rest on him, but upon him who chooses to deny the affirmation. For example, it is not necessary to prove that every event has had a sufficient cause ; that is admitted by common consent. If any one chose to take issue with that declaration, the burden of proof would rest upon him. But these are only apparent exceptions to the rule that the burden of proof rests upon him who makes a declaration, because it is commonly agreed that the order of nature, the categories of thought, and the axioms of experience are already proved by universal experience and do not need to be proved again.

Section 5.—Credibility

Evidence as to the credibility of witnesses is always relevant. The common experience is that some classes of evidence are usually found to be false. These classes are excluded in order that research may not be thwarted by evidence that is certainly false or embarrassed by evidence that is certainly suspicious. All facts that go to prove or to disprove the credibility of witnesses are, therefore, always relevant indirectly. In the story of Balaam evidence is admissible upon the question of his credibility to show that it was his profession to pronounce incantations for hire ; that upon the offer of a very large sum he finally agreed to place a spell upon the army of Israel ; that when he found that the army of Israel was superior to the army of Moab, and that the camp of Israel was in full view, and that it would be possible for the agents of the king of Moab to investigate the effects of the proposed incantation, he refused to try it.

Facts otherwise unconnected with the issue are relevant to show psychological con-

ditions, intent, or incapacity, as bearing upon the question of credibility. In any part of the story of Balaam, for example, it is admissible to show that he was accustomed to fall into a trance. Since he declared that he was accustomed to see with his eyes shut, it may be presumed also that he was accustomed to hear with his ears shut. That is to say, since he declared that his visions were subjective, a jury would be strongly inclined to believe that the unusual sounds which he heard were subjective also. So with Joan of Arc and the voices she heard in the forests of Ardenne. In the story of Saul and the Witch of Endor evidence is relevant to the question of Saul's credibility to show that he was a man of fierce and insane passions, and that he died by his own hand ; that he was laboring under abnormal physical and mental conditions at the time of his interview with the witch ; that he was mentally prostrated by fear and by defeat in battle ; that he was fasting at the time, and that before the interview was over he had fallen in a swoon. These facts make strongly against his credibility as a

witness. If a verdict had been given upon his testimony in a suit at law, and these psychological facts had not been known to the court and jury at the time of the trial, the later discovery of them would be ground for a new trial ; while to have shown them before his testimony was heard would certainly have disqualified him as a witness.

The two chief tests of the credibility of a narrative are its self-consistency and its probability. Aristotle said, "The whole universe is self-consistent in the true, and the true at once sounds out of tune with the false." The facts and circumstances of any case which has ever really existed were perfectly consistent with each other. Testimony, therefore, which is inconsistent with itself is not true to the facts. In a recent trial for murder the prisoner admitted that he had killed the deceased, but claimed that the killing was unpremeditated, and that he had stabbed his victim in hot blood, upon the irresistible impulse of the moment and immediately upon extreme provocation. Being asked by the prosecutor what time elapsed be-

tween the provocation and the stabbing, the prisoner answered one minute. In addressing the jury at the close of the case the prosecutor stood silently before them for one minute, with his watch in his hand, when it was immediately apparent that the prisoner's defence was self-contradictory, for it was evident that a blow given after the lapse of one minute was by no means immediately given upon the provocation, and that one minute was ample time for hot blood to cool and for murder to be premeditated. The principle that self-consistency is a test of credibility lies at the foundation of literary criticism, or the study of literature with reference to its structure. Any modern poem offered as ancient literature could immediately be proved false by the internal evidence of its structure. It is scarcely possible that a skilful critic should fail to discover the age and the country to which a document belongs through a study of its words, the structure of its sentences, the accent and versification in poetic structures, the historic and local allusions, the opinions and

the emotions exhibited in the composition under consideration.

The probability of the truth of testimony must be determined by the integrity, interest, and ability of the witness, and by its conformity with experience. It is not in conformity with experience that a man will purposely burn down his house when it is insured for less than the value of its contents. To prove such relative values, therefore, would make evidence of arson extremely improbable, and therefore incredible, in the absence of any other motive than the insurance.

Section 6.—Implied Evidence

In the absence of express declarations, implied evidence may sometimes be fully conclusive proof of facts. A man's name may not appear in articles of partnership, yet, if he is treated as a partner, if he furnishes capital, or shares in the profits strictly as profits, it cannot be denied that he is a partner, and he will be charged with the responsibilities of a partner. A man may never have entered into an express

contract of marriage, yet he is proved to be married when it is shown that he occupied the relation of a husband, permitted himself to be called such, and referred to a woman as his wife, or permitted others to do so. A man who keeps a vicious dog in his yard, and feeds him and treats him as his own property, will not be relieved from the obligations of ownership even if he can successfully challenge the world to show how the dog became his property, or even that he ever referred to him as such. A man who performs some of the functions of an administrator of a decedent's estate will be charged with all the responsibilities of an administrator, because the performing of such functions is itself implied evidence that he is the administrator; and debtors or creditors of the estate would be fully excused in accepting such evidence as conclusive.

In the absence of direct statements in Scripture that the acts of men are free, the question must be determined by the implied evidence; that is, whether the Scriptures refer to men as though they were free,

or as though they were under irresistible constraint. If it is not directly stated that all men are immortal, it must be ascertained whether or not all men are addressed as immortal. If it is not directly stated that the atonement is for all men, it must be ascertained whether the hope of salvation is held out to all men and whether all men are called to repentance. If it were not directly stated that all men are sinners it would then be necessary to learn whether or not the Bible treats all men as though they were sinners. Even if Christ had never actually enjoined daily prayer, the fact that in teaching the disciples how to pray he assumed that they were praying men is very clear implied evidence of what he expected them to do.

CHAPTER II

THE CLASSES OF EVIDENCE

Section 1.—The Principle of Distinction

FACTS of evidence are those relevant and credible facts contemplated by the mind in its research for the truth with reference to the question at issue. To this extent, therefore, all evidence is of one class ; it is the mass of data from which the mind arrives at some certain inference concerning the question at issue, or else determines that no inference upon the question is possible from these data.

Different classes of evidence produce conviction by different mental processes, and the classes of evidence are named either from the nature of the evidence itself or from the nature of the mental processes by which the inference arises. Evidence on all questions is found in the mind itself and in the necessary mode of our apprehension of the universe, and this

class of evidence is called Antecedent or Intuitive evidence. Some evidence bears directly on the question at issue, and from it the inference is drawn immediately by the usual processes of logical deduction ; and this evidence is called Direct evidence, whether it be the evidence of some token or symbol set up for the purpose, or whether it be the evidence of documents, or of witnesses, or of things. Some evidence bears only indirectly upon the question at issue, but goes directly to prove surrounding circumstances, and from these proved circumstances as the data of the problem the inference is drawn by the usual processes of logical induction, and this class of evidence is called Circumstantial evidence.

Section 2.—Antecedent Evidence

All those facts relevant to the question at issue which the mind contemplates in forming a judgment upon the question are evidence. Prior to the examination of other facts, the mind offers to every issue the evidence of the categories of thought, or our universal modes of apprehending

things. What the mind has always observed in the order of the universe is relevant evidence on every question which the mind has to consider; and every sound mind will immediately reject as false any supposed evidence that contradicts these categories. They are called categories of thought because, since all things have always been found to exist in certain modes, the mind will not think of things as existing in any modes contradictory to these, which would be to think of the universe as out of harmony with itself. As to the modality of being, things have always been found to be either possible or impossible, existent or non-existent, necessary or contingent; and if testimony were offered that something exists in a mode of being different from any of these, the unanimous experience of men would be antecedent evidence in rebuttal of such testimony. As to the relations of things, things have always been found to coexist in the relations of substance and accident, or of cause and effect, or in the relation of community, as the reciprocity between agent and patient.

If testimony were offered that a thing bears a relation to other things different from any of these relations, the unanimous experience of the world would be antecedent evidence in rebuttal of such testimony.

These categories of thought are the inductive results of universal experience. They arise from the common observation that the universe is consistent with itself. These categories represent the ways in which things always are found to exist. If, therefore, the fact at issue did ever exist, it did exist in these ways. The results of human experience, therefore, reduced to principles, are antecedent evidence in all cases. The well-established but very broad principle of cosmic evolution was antecedent evidence upon the questions raised by the discoveries in biology during the present century. It was the data, not the principle, which were the new discovery; the mind knew how things must be related to each other before it knew the things. These researches, in turn, have given rise to a new generalization, that the development of living things is a regular growth

according to fixed laws and by reason of inherent forces ; and this generalization, in its turn, is now antecedent evidence upon the questions raised by every new discovery in biology. The biologist expects to find all life conform to this principle, as the physicist expects to find all matter conform to the law of gravitation. He is prejudiced in favor of these principles in the exact meaning of the word prejudice ; the question is prejudged so far as this antecedent evidence enters into the question. He is prejudiced in favor of these principles as the engineer is prejudiced in favor of the axioms of mathematics.

All the accumulated evidence that leads to the belief in God, apart from the Bible, is antecedent evidence to the truth of the Bible. To some minds the Bible is not logically the first evidence of God, though it may be the first chronologically. Remorse, shame, duty, the consciousness of ought and ought not, the imperative within us not ourselves that makes for righteousness, these to some minds are reasons for believing in God. To arrive at a belief in

God by this method is necessarily to believe that he is concerned with us ; that he has some will concerning us ; that he is able to make his will known to us, and that we are able to recognize it. This rational conviction is itself antecedent evidence upon the question of the validity of the claim which the Scriptures make to be such a revelation of God's will. Since there is no other system of doctrine claiming to be a revelation of the will of God that is worthy of serious consideration, there is weighty antecedent evidence in favor of the claim made by the Christian Scriptures. If this is prejudice, it is the prejudice of the biologist and of the mathematician.

Section 3.—Direct Evidence

(a) *Institutive Evidence*

Institutive evidence is that which is created or adopted as a memorial of a fact and for the purpose of being evidence of the fact. The stone set up for a boundary ; the giving and receiving of a clod of earth or a twig in livery of seizin as evidence of

the transfer of the title ; the annual payment of one ear of corn as evidence of the feudal obligations of vassalage ; all these are institutive evidence ; and it is apparent that there can be no more solemn or indisputable evidence than this. It gets its value from the fact that it is institutive ; from the fact that it is solemnly set up and maintained for the express purpose of being evidence. This principle has been recognized and more or less clearly expressed throughout history, but it found its full and systematic legal expressions in the Statute of Frauds, 29 Car. II., c. 3. The object of this famous statute is to prevent fraud in certain contracts by providing that some written record of the contract shall be necessary to its proof. The contract itself does not consist in the writing ; the contract arises in the coming together of the minds of the contracting parties, either actually or by implication, and the statute provides that the only evidence sufficient to prove such a contract is written evidence. The fourth section enacts "that no action shall be brought whereby to

charge any executor or administrator upon any special promise to answer damages out of his own estate ; or whereby to charge the defendant for any special promise to answer for the debt, default, or miscarriage of another person ; or to charge any person upon any agreement made in consideration of marriage ; or upon any contract or sale of lands, tenements, or hereditaments, or any interest in or concerning them ; or upon any agreement that is not to be performed within the space of one year from the making thereof, unless the agreement upon which such action shall be brought, or some memorandum or note thereof, shall be in writing, and signed by the party to be charged therewith, or some other person thereunto by him lawfully authorized."

The contract does not consist in the writing ; the writing is only evidentiary of the contract. The writing need not be in any particular form ; it may be gathered from the correspondence or collected from the private writings of the party to be charged,—that is, the party who would be

the defendant in a suit on the contract. The statute is not an arbitrary regulation of contracts ; it is the solemn recognition of the fact that in the most serious affairs of life some fact or token adopted or set up for the purpose of being evidence is more convincing than verbal testimony could be.

The Passover Feast of the Hebrew nation is institutive evidence of their exodus from Egypt. This feast was set up for the purpose of a memorial of the exodus, and it continued to be observed until the destruction of the temple without interruption, except such as became necessary by reason of the exile and other political exigencies that made access to the temple impossible. The partakers of the feast had their loins girt as for a journey, shoes on their feet, and a staff in hand. At the close of the celebration the eldest son of the family was obliged to ask what the celebration meant, and he was told that it was a memorial of the exodus. The feast was thus evidence that could scarcely be doubted. In the same way the observance of the Fourth of July is institutive evidence of the origin of the

American nation, and the thirteen stripes on the flag are evidence of the number of States in the original Federal Union. They are institutive evidence, tokens or symbols set up for the purpose of being evidence, and their existence could not be explained apart from the fact to which they bear witness.

The observance of the first day of the week as a sacred day is institutive evidence of the resurrection of Christ; it is an institution set up for that purpose. Christian baptism is institutive evidence of the death and the resurrection of Christ, and of the new life which he claimed to impart to the believer. Paul explained it as having this significance, and it has probably never been administered except upon either an express or an implied confession of faith in him, and it has never had any other explanation than the facts of his death and resurrection and the grace that is promised through faith in them. The communion is institutive evidence of Christ's death. This was its original explanation; at the time of the institution it was said to be for this purpose; no other explanation

has ever been offered, and this explanation has never been questioned. It is thus conclusive evidence to the fact for which it stands.

Prophecy, when it takes the form of the prediction of events, has the nature of institutive evidence. The prediction is set up for the purpose of being evidence and proof of the event, when the event shall come to pass. Prediction was not so much for the purpose of letting men know what should come to pass, as for the purpose of letting them understand the event when it did come to pass. Not only is the event to be accepted for what it claims to be because it corresponds with the prediction, but the event is to be interpreted in the light of the prediction, as a contract that comes within the Statute of Frauds gets not only its proof but its interpretation from the writing which the statute makes institutive evidence of the contract.

But the value of prediction as evidence depends entirely upon a correct understanding of what the prediction meant at the time it was spoken. The usual mis-

take is to make a prediction much more specific than it was intended to be. The first prediction in the Bible will serve as an example. The declaration "I will put enmity between thee and the woman, and between thy seed and her seed ; it shall bruise thy head, and thou shalt bruise his heel," is supposed to be a prediction of the virgin conception of Christ, upon the ground that a human being produced in the usual course of generation could truthfully be spoken of only as the seed of a man, not as the seed of a woman, and that here is the prediction of an event that is to be at variance with all known facts of human generation. But this supposed exclusive use of the term is altogether unfounded. In the next chapter the sons of Eve are called her seed ; and in the twenty-fourth chapter of Genesis the family blessing is pronounced upon Rebekah in the words, "Let thy seed possess the gate of those that hate thee."

Whether or not the passage in question is a prediction of Christ, it certainly is not a prediction of his virgin birth.

(b) *Documentary Evidence*

The Scripture records are evidence of two kinds : they are evidence as *res gestæ* and they are expert evidence,—that is, they are receivable as evidence by reason of what they are and by reason of their authorship.

The phrase *res gestæ* means the facts surrounding the transaction, and in construction it is like the phrase *dramatis personæ*,—the persons of the drama. One of the most important elements in the science of evidence is the distinction between the *res gestæ* on the one hand and hearsay and opinion on the other. The *res gestæ* are always relevant, hearsay and opinion are not. The *res gestæ* may be documents, or declarations, or material things ; they may be tones, gestures, expressions of countenance, or anything that bears an immediate relation to the transaction under consideration. They must be substantially contemporaneous with the transaction, and connected with it in such a way as either to be a part of it or to illustrate it ; and

their relation to the transaction must be vital,—that is, of such a nature that the transaction itself cannot be fully known without a knowledge of these circumstances. The cries of a murdered man are part of the *res gestæ*, and might show that he himself regarded the killing as murder and not accident. The remarks of a man breaking into a house are part of the *res gestæ*, and might show that he claimed to own the house and was forcing an entry under color of title. Such expressions as these are not testimony given under the sanction of an oath, but they are evidence of a peculiarly valuable kind because of their close connection with the transaction which is the subject of inquiry. Entries and private writings in books, made with reference to the transaction and contemporaneous with it, are part of the *res gestæ*, and are received as evidence upon the ground that it is almost impossible that they should be fabrications.

In the matter of the Christian religion the Scripture records are part of the *res gestæ*. Considered as such, their value is

in themselves, not in their authorship. An entry in a ledger is as valuable when made by an under-clerk as when made by the head of the firm. This principle is well illustrated by the Epistle to the Hebrews. Its value as evidence is not in the least degree impeached by the fact that its author is unknown. If the ledger of a business firm has always been received and regarded as a ledger, its value is not at all impeached if it is impossible to tell which particular clerk kept this ledger. Its value does not arise from its authorship, but from the fact that it is a ledger of the business, that it is a part of the body of circumstances surrounding and connected with the conduct of the business. The Epistle to the Hebrews would be no more valuable as evidence if it were shown that it was written by Paul ; it would be no less valuable if it were shown that it was written by Cleophas. A work written contemporaneously with the establishment of Christianity, by a person who knew the facts of the case, and offered either as a narrative of the facts or as an explanation of them, and which occupies a place in

that historic transaction which may be called the establishment of Christianity, is a part of the *res gestæ*, regardless of its authorship, as the unnamed ghost in "Hamlet" is one of the *dramatis personæ*. The fact that a document whose author is unknown has kept its place as a part of the historic transaction may be an added reason to believe that it is not a fabrication, because it has been able to keep its place without the stability that might have been given by the weight of a great name. Nor is the value of any book impeached because it was for a long time doubted and only lately admitted to the canon. A ledger may have been lost or its authenticity for a long time doubted, but when it is once discovered and proved, it is as trustworthy as any other part of the *res gestæ*. Indeed, there may be an especial value added to a book by the fact that because of its unknown authorship, or because of its unexpected teaching, there has been an attempt to expel it as foreign to the rest of the body of literature, but that in spite of this, and by virtue of its own nature, it has main-

tained a place as a part of the organic whole.

The peculiarity of *res gestæ* as evidence is that the value of the evidence is in the evidence itself and not in its authorship. In the midst of a diplomatic correspondence between the United States and England and France with reference to Cuba, Daniel Webster, our Secretary of State, was succeeded by Edward Everett; but the authority of the correspondence is not at all affected by the fact that one letter was written by Daniel Webster and another by Edward Everett. The authority of the correspondence as trustworthy evidence of the transaction arises wholly from the fact that the correspondence is itself a part of the transaction, and as such could not be a fabrication.

It is impossible to doubt that the cries of a mob are the authentic and trustworthy expression of the spirit of the mob. They are a part of the *res gestæ*, and would be admitted in court as evidence. It is impossible to doubt that the Scripture records are the authentic transcripts of the facts and the authoritative expression of the

spirit of the Christian religion ; not only because of the personality or personal equipment of the authors, but by virtue of the fact that they are a part of the *res gestæ*, a part of the historic case.

But the Scriptures are evidence not only as *res gestæ*, they are expert evidence. Their authors offer themselves as witnesses specially qualified to speak. The essential elements in expert testimony are three : that the witness shall himself claim that he has special and peculiar equipment for this kind of evidence ; that he shall be able to substantiate his claim ; and that his evidence shall be considered as expert evidence only upon the particular matters upon which he claims an exceptional knowledge. If the Scriptures are to be received as expert evidence, they must present these three elements. In the first place, the authors must themselves claim to be specially qualified to speak. Such claims are made by the authors of the Scriptures. Sometimes the authors say that God spoke to them ; sometimes that the word of Jehovah came to them ; sometimes they declare that God

says so and so ; sometimes that God directed them to write ; sometimes they say that they were in the spirit, sometimes that the spirit was on them ; sometimes that God sent a messenger to reveal the truth to them, or that it was revealed to them in dreams, or in visions, or in ecstasy. Sometimes they draw conclusions from circumstances or from nature in what seems to be a natural way, and then they make God responsible for the conclusions ; sometimes they declare that God has said that a certain thing shall be, though they proceed to show the natural and logical way in which such a declaration shall be verified. At least in one instance the claim to inspiration is made by the use of that word. Whether this claim to especial equipment and qualification is made severally by every author, and whether it is made for every part of what he says, or whether the Scriptures are an organic whole, so that the claim need not be severally reiterated for every part of them,—that is to say, whether the Scriptures do offer themselves as expert witnesses, or whether the Scriptures claim to

be nothing other than ordinary historic documents,—is a question that can receive no other answer than that given by the records themselves.

The second essential element in expert evidence is that the witness shall be able to substantiate his claim that his testimony on this question is better than that of other men. He must both prove his qualification as an expert and he must give testimony that shall be recognized as the result of that qualification. A witness who claimed to be an expert microscopist, but who could not prove that he had ever used a microscope, would not be permitted to testify, because his record would not be such as to arouse confidence in what he had to say ; and a witness who should prove that he was well trained in the use of the microscope, and should then testify as an expert that the human blood contains no red corpuscles, and that the tubercular bacilli are not discoverable with a microscope of a thousand diameters, would not be accepted as an expert witness, because it would be clear that he had no special qualification

for giving testimony upon the questions on which he claimed to be an expert witness. How far the authors of the Scriptures were able to substantiate their claim to supernatural enlightenment by any record they could give of their own personality it is manifestly almost impossible now to determine. Some authors are unknown, and others are known only by name. But it must at least be considered that there is no record that any of them were ever impeached for being unable to substantiate their claim, or that any of them ever retracted their claims to such enlightenment; that in many cases their claim was immediately accepted as true, and that in all cases it was sooner or later so accepted; and that in many cases the most enlightened men of their day were accustomed to come to them asking for supernatural revelations. In some cases supernatural works were offered as evidence that the performers of them were also supernaturally qualified to speak.

But the second part of the substantiation of their claim to be able to give expert

evidence is to be found in the evidence itself which they offer ; and this element of research may be conducted more accurately now than in any earlier day. The question is this : In the light of the present time, is there anything in what these men have said that places their evidence on a different plane from that of other men ? Can men who have only natural qualifications present exactly the same evidence as that given by those men who claimed to have supernatural qualifications ? If the sermons and epistles written to-day are on the same plane with the work of prophets and apostles, then they were not entitled to special credence by virtue of their claim to special qualification. For example, Christ said that his words should not pass away ; that no future science should refute what he had said. If advancement in knowledge is an impossible thing, and if any man of merely natural qualification may at any time know that he has reached absolute knowledge upon any topic, and can, like Christ, successfully challenge all time, then it could not be maintained that Christ

spoke with any unusual authority. But since such is not the case, the question whether Christ was able to do this is to be answered by an appeal to history. He has declared his doctrine, and has said that it is absolutely paramount. The question is, Has history verified his claim? When Christ spoke the words, mathematics and logic were the only sciences. Since then have come anthropology, archæology, astronomy, biology, chemistry, geology, philology, physics, psychology, psycho-physics, and sociology. Upon these sciences has arisen that philosophic explanation of the universe which is known as evolution. These sciences and their resulting philosophy could not then have been known by any process of natural research. The data for the establishment of these sciences have been accumulated only by the toil of generations. As long as gravitation is unknown, a cosmic conception of the universe is impossible to a mind of merely natural equipment. If the teaching of Christ does not need to be reconstructed in the light of truth that has been discovered and

theories that have been established since he spoke, then it may well be admitted that his qualification to speak was different from that of other men. If, on the other hand, his words have passed away and the discoveries of the generations have yielded truer conceptions of life than those he presented, his claim to speak with authority can count for nothing.

Another illustration followed from another starting-point will yield the same result. In those brave words of Paul, "Howbeit that was not first which is spiritual, but that which is natural; and afterward that which is spiritual," he sets forth a truth that was rediscovered by a purely human process of research eighteen hundred years later, and which could not have been known by purely human processes in his day. The most learned of his day may have known that the course of nature is the passing from low physical forms to physical forms that are finer and more complex, but they did not know that the course of nature is also the passing from the highest forms of physical life to the lowest forms of spiritual

life ; and the point of the argument is not only that they did not know it, but that they could not have known it, because the data from which this inference is drawn had not then been discovered. But Paul knew it, and he claimed that to him it was a revelation, that he had "received" it. He claimed to know supernaturally what psycho-physical research has but recently discovered in a purely natural way. The development of the human brain will illustrate the way in which psycho-physics corroborates by natural research what Paul knew by revelation, that the natural is first and the spiritual is afterwards. The lowest form of animal life has no nervous system and has no consciousness of any kind. It is simply a cell of protoplasm. It feeds by absorption ; the nutritive matter of the water in which the amœba lives soaks through its cell walls, and that is all. If food were wanting the cell would be dissolved, but no one would suppose that the lowly life would be capable of hunger. A higher form of life has a nervous system but no brain ; and if food is wanting to

this form of life, there is a sensation of which the amœba is not capable. A still higher form of life has a brain, which even in its lowest form is more highly organized matter than the matter of the nervous system apart from a brain ; and even a rudimentary brain is the seat of sensations far more diversified and far more intense than those of any form of life having a nervous system without a brain. In the highest of the brute race the brain is a physical organ capable of supporting a psychic life which approaches the real spiritual life of man ; the natural is approaching the spiritual. The human brain is the most highly organized matter known ; it is the end of physical development, and it is the first organ in the universe that is capable of being the physical basis of spiritual life. The human brain is the meeting-place of what Paul calls the natural and the spiritual, the principle of physical life and the principle of thought life, as the words which he used mean. It is the end of physical being, it is the beginning of spiritual being ; but that was not first which is spiritual, but that which is

natural, and afterwards that which is spiritual.

Paul claimed to speak these words as an expert, by reason of a supernatural equipment for the discovery of the truth. A part of what he said is now known through the usual processes of research, but in his day the facts of biological evolution were not known, and it is impossible by any intellectual process to draw inferences from facts that are not known. The testimony which Paul gave as an expert may to-day be given as the result of logical research, and the history of this research proves that in Paul's day the knowledge was not possible as the result of natural research. If it be supposed that what Paul said might have been latent in all minds of his day, and that he merely made a peculiarly fortunate statement of what was latent in other minds, it must be considered that only a part of what he said has thus far been scientifically verified. Paul declared a resurrection. Whoever gives testimony to a resurrection must do so by some other means than by scientific research. There is no

latent knowledge of the resurrection in any one's mind to-day, except that which has come by revelation. The realm of intellectual knowledge has come to take in a part of what Paul said ; but another part of what he said still lies as completely outside the realm of human knowledge as all of it did in his day.

According to the usual tests of expert evidence it is clear that the claim of Christ and of Paul that they were specially qualified to speak is fully substantiated. But these two persons, themselves specially qualified to speak, recognize the other authors of Scripture also as giving the same kind of evidence as themselves. Each one substantiates and illustrates his own testimony by that of the rest of Scripture. One proved expert must be able to speak of the qualifications of another.

The third rule of expert testimony is that the witness is to be charged with the responsibilities of an expert only on those subjects on which he gives evidence in that capacity. An expert witness on the value of real estate is not charged with the re-

sponsibilities of an expert when he proceeds also to give evidence as to handwriting. In the case of the Scripture records it is to be determined whether the authors claim supernatural enlightenment in such a way as that the natural personality is superseded and the human element disappears, or whether they claim supernatural enlightenment only where natural qualifications are inadequate. If they do not claim to be expert grammarians and expert rhetoricians, the object of research will be thwarted by charging them with the responsibilities of a claim to verbal inspiration.

(c) *The Evidence of Witnesses*

Many attempts have been made in the administration of justice to decide what amount of evidence is necessary to establish a fact. The Constitution of the United States provides that "no person shall be convicted of treason unless upon the testimony of two witnesses to the same overt act, or upon open confession in court." If only one witness were offered, the denial of the prisoner would counterbalance that

testimony, because there is always a presumption of innocence in favor of the accused. The same rule holds in trials for perjury, where two witnesses are necessary to prove the falsity of the matter to which the defendant has sworn. Many courts of Continental Europe, like the ecclesiastical courts of England, following the civil law, prescribe the kind and amount of evidence necessary to constitute legal proof. In the ecclesiastical courts of England two witnesses are necessary to convict of adultery, while in the common law courts a prisoner may be convicted of murder upon the oath of one witness together with corroborating facts, or upon circumstantial evidence alone. In Austria a prisoner may be convicted of murder, but not executed, upon circumstantial evidence; and other continental countries vary the punishment of crime according to the kind of evidence upon which the prisoner was convicted. In the common law courts of England it has frequently been held that the more flagrant the crime is, the clearer and plainer must be the proof of it; while

some continental courts have held that, since it is more difficult to prove the more dangerous and atrocious kinds of crime, in such cases the prosecutor should not be obliged to bring as clear and convincing evidence as is required in other cases.

It would seem that the principles of evidence, like those of arithmetic, should be the same, no matter what the problem to which they are applied. In the natural processes of research neither the number of witnesses nor the kind and amount of evidence can be specified for any particular case. The question in every case is whether all the evidence together produces a conviction in the mind equivalent to the direct proof of a fact. The natural and reasonable principle is that stated by the French jurist, Jacques Cujas, "*Ut veritas, ito probatio, scindi non potest : quæ non est plena veritas est plena falsitas, non semiveritas ; sic, quæ non est plena probatio, plane nulla probatio est,*"—proof, like truth, cannot be split : what is not a whole truth is a whole falsehood, not a half truth ; so what is not a whole proof plainly is no proof at all.

Concerning the increased probative value of evidence which arises by reason of the concurrence of testimony, two principles at least are well established : that the concurrence of witnesses increases the probative value of their evidence in a ratio far in excess of the ratio of the numerical increase of the witnesses ; and, second, that an uncontradicted consensus of testimony does not admit of denial.

That the concurrence of witnesses increases the probative value of their testimony in a ratio far in excess of the ratio of the numerical increase of the witnesses is analogous to the mathematical theory of probabilities. The witnesses to the resurrection of Jesus will serve as an illustration. He was seen after the resurrection by five hundred witnesses at the same time. It has been suggested that these people only thought they saw him. It is quite possible that a man should have a vision of a dead friend. It is not impossible that several people should have such an experience ; but if four people have the same experience at the same time and place, the probability

that it was a delusion is to the probability that it was a reality as one is to twenty-four, and the fraction one-twenty-fourth represents the probability of delusion. The probability that five hundred men at the same place and time were deluded by a false vision of the risen Christ is to the probability that they saw the real Christ, as one is to the number represented by the figure one and three hundred ciphers. It is not meant that the strength of conviction produced by any probability is exactly measured by the mathematical fraction that expresses the probability, but the tendency towards conviction certainly does vary with the variation of the fraction. Even when the reason is clearly convinced, added witnesses serve to hold the mind more firmly to its conviction, as seventeen ounces are quite enough to depress the balance against a pound weight, but added ounces will serve to hold the lever more firmly.

The various narratives of the appearance of Christ after his resurrection are greatly enhanced as evidence by the fact that they differ slightly in detail. Narratives that

agree accurately in immaterial detail upon contested points are always suggestive of collusion, if not of fabrication. The same is true of the Gospel stories throughout ; their slight variations are such as always are found in the narratives of witnesses who without even innocent collusion are narrating facts just as they saw them.

The second principle concerning the increased probative value that arises from the concurrence of testimony is that an actual consensus of testimony does not admit of denial. Bearing in mind that historical Christianity has passed through various stages in which the emphasis has been placed upon various phases of Christianity,—the dogmatic stage, when emphasis was placed upon formal creeds ; the ecclesiastical stage, when emphasis was placed upon organization and ritual ; the evangelical stage, when emphasis was placed upon personal experience,—it will be found that, apart from the varying emphasis, there has been a constant and unvarying belief. That part of the Christian faith which Christian people have always accepted as a

part of it must be admitted to be such. If one looked at Christianity in the first century, and in the fourth century, and in the fourteenth century, and again in the nineteenth century, he could not fail to identify it. And he would be looking at it in periods of special activity that arose from its being placed in new relations, when its essential nature could not fail to be disclosed. Those elements of the faith which he would find to be present in all periods of history must be accepted as essential parts of historic Christianity. For example, he would discover that Christianity is personal and spiritual. In the first century the original apostles were preaching personal faith in Jesus Christ and the spiritual fruits of a Christian life. In the fourth century Athanasius, Gregory, and Basil were preaching the same truth in almost the same words; while Augustine, the greatest of the fathers, was converted by reading from the Bible "Put ye on the Lord Jesus Christ," and afterwards wrote his "City of God" and "On Nature and Grace." In the fourteenth century Wycliffe

and Huss were preparing the way for the Reformation, while Thomas à Kempis was writing his "Imitation of Christ," and John Tauler was writing the "Imitation of the Poor Life of Christ." In the nineteenth century orthodoxy is tested by the teaching of the first century, while the fourth and the fourteenth centuries are used as the noblest incentives to the faithful adherence to the original measure of the faith.

Evidence that is brought out of the past as the transcript of what men have said, is tradition. Tradition in the legal sense must be that which was said *ante litem motam*,—before the controversy was moved; not merely before the case came into court, but before the controversy arose. If the question at issue is a right of way, tradition will be admitted to show what men said about the road before the right was called in question. It may be that at that time men spoke of the way as a public road, or it may be that it was even then spoken of as a private way over which they went by the permission of some one who had a

superior right. Such tradition shows what was the common and undisputed understanding of the case before discussion aroused passion and prejudice to hinder the judgment. Tradition, as the word implies, is that which is handed over, and its use in theological research is the same as its legal use. It means that original teaching of Christ and the apostles which was not at once committed to writing. If there is evidence to show what this teaching on any subject was before controversy upon that subject arose, such tradition must be received as an original doctrine of the Christian faith. The doctrine of the Person of Christ will serve as an example. This doctrine was called in question four times in the fourth century, by Arius, Apollinaris, Nestorius, and Eutyches. To the declarations of these several plaintiffs the Church offered as answer the tradition of the original teaching on these questions *ante litem motam*. To Arius it answered, that, as Son of God, Jesus Christ is very God, of one substance with the Father. To Apollinaris it answered, that, as Son of Man, he is

perfectly man in the completeness of his human sympathies and faculties. To Nestorius it answered, that, though he is both God and man, yet he is one person,—namely, the Son of God, who has taken manhood into himself. To Eutyches it answered, that in this incarnation the manhood, though it is truly assumed into the divine person, still remains none the less truly human, so that Jesus Christ is of one substance with us men in respect of his manhood, as he is with the Father in respect of his God-head. It has never since been seriously doubted that these four answers from tradition do represent the original historic faith. When the doctrine is now denied, it is denied as being irrational, not as being unhistoric. The raising of the question resulted, through the evidence of tradition, in clearly establishing what the original faith was.

Section 4.—Circumstantial Evidence

The theory of circumstantial evidence is thus stated by Baron Parke in his charge to the jury in the case of *Reg. vs. Tawell* :

“The jury had been properly told by the counsel for the prosecution that circumstantial evidence is the only evidence which can in cases of this kind lead to discovery. There is no way of investigating them except by circumstantial evidence ; but Providence has so ordered the affairs of men that it most frequently happens that great crimes committed in secret leave behind them some traces, or are accompanied by some circumstances which lead to the discovery and punishment of the offender ; therefore, the law has wisely provided that you need not have, in cases of this kind, direct proof,—that is, the proof of eye-witnesses, who see the fact and can depose to it upon their oaths. It is impossible, however, not to say that is the best proof, if that proof is offered to you upon the testimony of men whose veracity you have no reason to doubt ; but, on the other hand, it is equally true with regard to circumstantial evidence, that the circumstances may often be so clearly proved, so closely connected with it, or leading to one result in conclusion, that the mind may be as

well convinced as if it were proved by eye-witnesses. This being a case of circumstantial evidence, I advise you, as I invariably advise juries, to act upon a rule that you are first to consider what facts are clearly, distinctly, and indisputably proved to your satisfaction ; and you are to consider whether these facts are consistent with any other rational supposition than that the prisoner is guilty of the offence. If you think that the facts in this case are all consistent with the supposition that the prisoner is guilty, and can offer no resistance to that except the character the prisoner has borne, and except the supposition that no man would be guilty of so atrocious a crime as that laid to the charge of the prisoner, that cannot much influence your minds,—for we all know that crimes are committed, and therefore the existence of the crime is no inconsistency with the other circumstances, if those circumstances lead to that result. The point for you to consider is whether, attending to the evidence, you can reconcile the circumstances adduced in evidence with any other supposi-

tion than that he has been guilty of the offence. If you cannot, it is your bounden duty to find him guilty ; if you can, then you will give him the benefit of such supposition. All that can be required is, not absolute, positive proof, but such proof as convinces you that the crime has been made out."

From this statement of the theory of circumstantial evidence it is evident that the principle of this class of evidence is the causal idea, the axiom of experience that nothing happens without a sufficient cause. Here is a combination of mutually related circumstances, all of which are relevant to the question at issue. They can be perfectly explained by supposing the truth of the proposition at issue, and they cannot be explained in any other way. The sufficient cause of a thing is its explanation. To say that a thing must have a cause is, therefore, to say that it must have an explanation. If this combination of circumstances must have an explanation, and if the proposition at issue is the only explanation they can have, it must be the true explanation.

It is evident that the circumstances may in some cases be of such a nature that the inference is inevitably and immediately made. The finding of a fossil fish naturally placed in a stratum of rock would give rise to the immediate inference that the rock is of aqueous origin. Sometimes a single circumstantial fact may be conclusive upon the question to which it relates, as a death wound that could not have been either accidental or self-inflicted is conclusive of homicide as against a suggestion of suicide. In these cases the evidence in addition to being circumstantial is also presumptive. But circumstantial facts that relate to human action must be accepted as actually presumptive only with the greatest caution. The harsh law of England which once made the concealing of the death of an illegitimate child conclusive evidence of its murder by the mother, unless she could prove by one witness at least that it was born dead, finds a pitiful illustration in the case of Jeannie Deans, in "The Heart of Midlothian."

The mental process of arriving at the

true inferences that spring from circumstantial evidence is the process of induction, the process that is especially characteristic of research in physical sciences. The circumstantial facts are the data ; the problem is to discover their causal source, not by arbitrary supposition, but by the principles of logical induction. An essential element of all valid induction is that the data must be of one class, that they must be both commonly and mutually relevant,—commonly relevant to the question at issue, and mutually relevant to each other. The second essential is that the inference must not only be a sufficient explanation of the data, but that it must be the only sufficient explanation ; it must be the only reasonable hypothesis upon which the data can be explained. In criminal law, if there is a reasonable doubt of the guilt of the accused, he must be acquitted. In intellectual research, if there is a reasonable doubt, the judgment must be suspended, at least so far as it depends upon the circumstantial evidence.

The historic facts of the origin of the

Christian Church are circumstantial evidence of the resurrection of Christ. The historic facts of the Church are the data for which the historian has to account. He has to account for the fact that Christianity was successfully established among people opposed to it by habit of thought, by personal inclination, and by religious training, and he cannot account for these facts if the resurrection be denied. The world would not have been converted to a dead Jewish rabbi who had promised to rise from the dead and who had not been able to keep his promise. The disciples would not have rallied around a murdered and defeated Lord. One day they were scattered through Judea, frightened and hopeless; the third day afterward they were united into a company that has been increasing in numbers and influence for nineteen centuries. That company of disciples has never had any other bond of union than their common faith that their Lord was risen from the dead. Immediately after that event, in the city where he had been crucified, and to the people who had put

him to death, they began to preach that he had risen from the dead. The circumstantial historic facts of the origin of the Church must have had a sufficient cause ; their sufficient cause will be their explanation ; they can be fully accounted for upon the assumption that the only explanation of its origin ever offered by the Church, that Christ rose from the dead, is the true explanation, and they cannot be explained upon any other hypothesis.

Section 5.—Independent Evidence

The question at issue is sometimes so broad that different orders of evidence are relevant to it, though the orders of evidence may be entirely independent of each other in their origin, and entirely unlike each other in their nature, and without any historic and natural connection with the question at issue. But such evidence is connected with the question at issue in a rational and logical way. The truth involved in the independent evidence is the same kind of truth as that involved in the question at issue ; it may be the truth of

physical nature, or of history, or of moral, or social, or psychic life. Facts which in themselves are independent of the question at issue, in this way may be relevant evidence of the most important kind. The facts of biology and the records of Egyptian monuments are in no way relevant to the story of the American Revolution. That historic event is restricted from the realm of biology by nature, and from the realm of Egyptology by time. But many issues raised by the Scriptures and by the Christian religion are universal in their relations, and touch not only upon the realms of archæology and of physical science, but upon every other known realm of truth, and to some of the issues raised by the Bible the facts of every field of scientific or of historic research are relevant.

There is no religion which, if it were untrue, could so easily be refuted as the Christian religion. It involves every field of human research; it is vitally connected with all the results of human inquiry, historical, physical, social, or intellectual, and almost every known principle or law of the

universe is relevant to some of the issues raised by it. It is not so with other religions, or with philosophies that approach to the nature and office of religion. They are concerned only with the rational and moral nature of man, and are susceptible of refutation only from those points of approach ; and few people take the pains to investigate the rational foundations of a foreign religion, while many are content to admit that the moral obligations of one race are not necessarily binding upon another. Buddhism, for example, is not in any way affected by the results of modern historic research, and the facts of physical science are not relevant to the question of the truth or falseness of that religion.

But this touching upon all the fields of research, which would be the weakness of a false religion, is the strength of a religion that is true. Every relevant fact is relevant either to refute or to substantiate the issue to which it is relevant. Evidence, like an arrow, either wounds the enemy or becomes his own weapon.

The Scriptures as historic records are

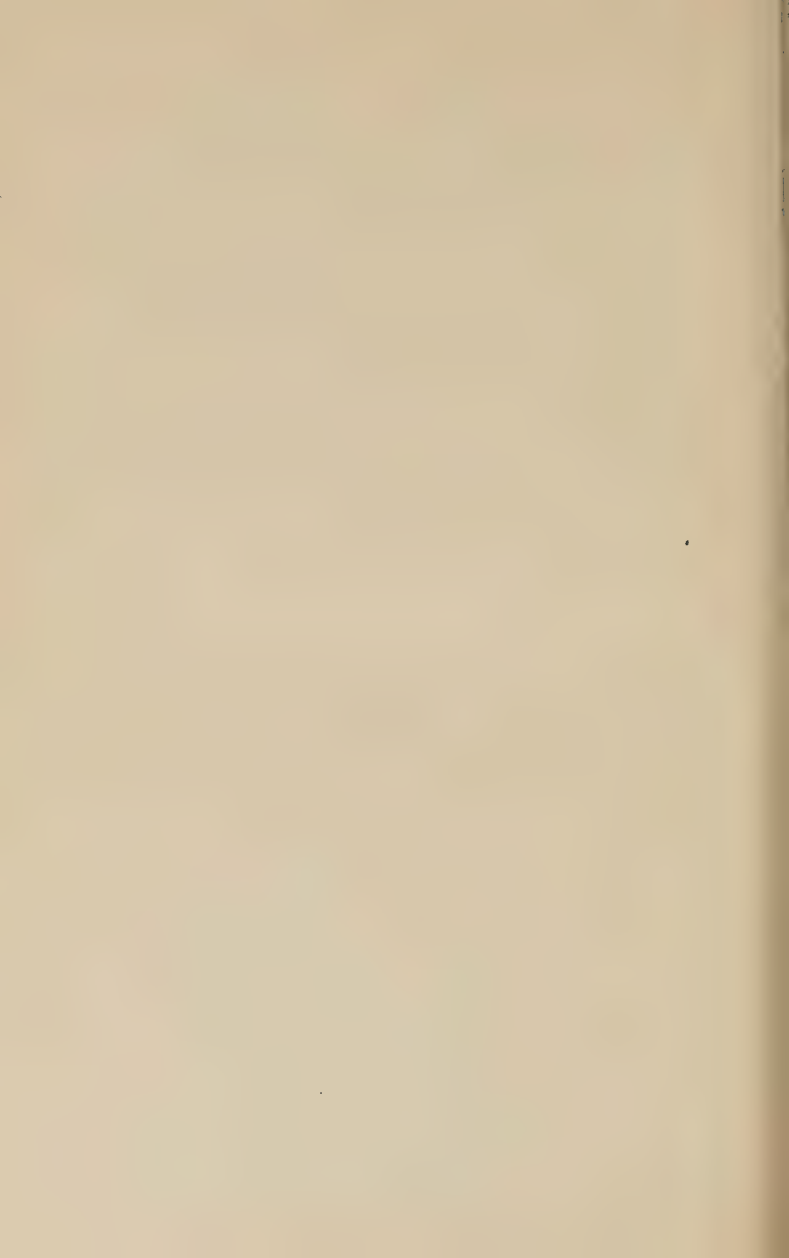
established. They have been in no way impeached, and they have been in every way confirmed by the results of historic and scientific research, and it cannot be seriously supposed that the results of future research can in any way impeach them as historic records. But while their historic trustworthiness and authority are firmly established, and cannot be affected by the results of historic and scientific research, their interpretation is directly concerned with such results. Human research has not refuted any part of the Scripture records, but it has refuted some current interpretations of Scripture, while it has corrected and enlarged other interpretations. However slight was the reason for it, yet the narrative of Old Testament history was once interpreted to mean that human life began upon the earth four thousand years before the Christian era. But the scientific research that discovered human fossil remains, together with the fossil remains of extinct species of animals, in strata of the earth whose age is almost too great to be reckoned in years, corrected that interpre-

tation. The Scriptures were once supposed to teach that a universal deluge destroyed the living world twenty-four hundred years before the Christian era, and that the original disintegration of language occurred a century later ; but archæological and philological research have corrected that interpretation by showing that civilized life can be traced backward without any such interruption as the deluge would have caused, to a period three thousand years before the date assigned for the deluge, and that at that period languages were already fully differentiated from each other.

Results in the realm of physical nature have furnished a more striking illustration of the way in which independent evidence has corrected wrong interpretations of the Bible without in any way refuting the record itself. The creation story was once interpreted to mean that not only matter, and animal life, and human life, were direct creations of God, but that the various forms of the physical universe and the various forms of life were also the result of direct creation. But the results of scientific re-

search have made a new interpretation both necessary and possible. The various forms of the physical universe are seen to be the results of cosmic evolution, one form elaborated out of another ; while the various forms of life are seen to be the results of organic evolution, in which the varied forms of elaborated life appear. Research has further proved that the explanation of the various forms of matter and of life is not the explanation of the origin of matter and of life, and that the process of evolution is not the process of creation. The origin of matter, the origin of life, and the origin of man as a reflective, self-conscious personality, are unknown to science. There is no scientific explanation of the origin of matter, or of the origin of life, or of the origin of human life. In the light of this independent evidence furnished by scientific research, the Bible story of creation has a new and an enlarged interpretation. There are two creative words used in the creative story : the one is ^טבִּרָא, which means to create ; the other is ^טעָשָׂה, which means to elaborate. The word ^טבִּרָא occurs

only three times in the creation story. It is used of the origin of the physical universe, of the origin of life, and of the origin of man. In all the rest of the creation story the word is עָשָׂה. God created the physical universe, life, and man ; he elaborated the various forms of his creation. Science has discovered the method of his elaboration ; the method of his creation is unknown.



PART III

INFERENCE

“There hath not been, to my understanding, sufficiently inquired and handled the true limits and use of reason in spiritual things, as a kind of divine dialectic.”
—BACON.

CHAPTER I

THE RISE OF THE INFERENCE

Section 1.—The Foundations of Belief

A JURY is sworn to render a verdict in accordance with the evidence. The word verdict means an announcement of that which is found to be true. The verdict is the necessary inference arising from the evidence. As the word inference itself suggests, it is that proposition which is brought in by the processes of deduction and induction from the data that have been considered by the mind. In calling this final judgment the conclusion, it may have been originally meant that the mind was shut up to this course and could do nothing else than arrive at this final inference ; or it may have meant that this was the conclusion, the closing up of the research, and that anything added to this would be foreign to the case.

The mind has no especial faculty for the discovery of the truths of religion or for the solving of the problems of religion. These problems, like all others, make their appeal to the reason. There is no other tribunal to which they can appeal. If it be said that in matters of religion the appeal is to faith, it must be remembered that faith is reason exercising itself upon one class of cases, and that its functions are still performed in accordance with all the laws of reason. The court of chancery is occupied with a special class of cases, but in administering its affairs it violates neither the common law nor the principles of justice. The court of chancery is not established to adjudicate cases for which there is a plain, adequate, and complete remedy in a court of law. But there are cases to which the common law is not applicable. The common law cannot punish a man for a wrong that he has not committed, but a court of equity can enjoin him from committing it, and so prevent the wrong. A court of law and a court of equity exist for the same purpose,—for the administration

of justice. When a judge of a law court sits in a court of equity he does not cease to be a minister of justice. Equity is an exchange of justice for that which is another kind of justice, but the foundation of both is human right and human duty. Faith is an exchange of belief for that which is another kind of belief, but the foundation of all belief is the assent of the reason. In its last analysis the faith that saves is found to be human assent to the testimony of Christ concerning human sin and divine righteousness. A rational conviction of the sin of man and of the righteousness of God is faith of the purest type. Religion is brought into contempt when a man says that he believes in the atonement, but that he has not the least idea what the atonement is.

All true religion appeals to the reason. As long as men had a reasonable knowledge of God they did not consult the oracles. Personal conviction is the true urim and thummim. Abraham and Moses knew God better than the priests did. God is known as any other mind is known. By

reason of self-consciousness one knows that his own actions are the offspring of his own mental volitions. When he sees similar actions performing around him, he refers them to a mind like himself; if it is possible to refer them to a human mind no power could hinder him from doing so. When he is conscious of things that cannot be referred to a human mind, but that do bear the marks of mental volition, he refers them to a superhuman mind which the religious consciousness of the world calls God. Science is the systematizing of things; philosophy is the explaining of things. A scientist may be expected to say that he is ignorant of the cause of things; a philosopher never says so. Coleridge's argument for Christianity was, "Try it." Spinoza was called the God-intoxicated man. The reason is the foundation of all belief, of religious belief no less than of mathematical belief. The mathematician gives rational assent to a proposition whose proof rests upon axioms that are the inductions of the common human experience, and not at all of his own individual

research. Not every one who accepts the Christian faith is himself conscious of the processes of the human reason upon the results of which his faith rests. Not only is he not conscious of such processes, they may not even be the processes of his own individual reason. The intellectual strata of generations may furnish the unseen foundations of his belief, but unless he uses the word belief to signify the assent of the reason to the inferences that arise by rational processes from trustworthy data, he uses the word in some peculiar and private way of his own.

It is sometimes supposed that if a thing is inconceivable it is, therefore, untrue. This is to confound the reason with the imagination. Self-consistency is a test of truth; conceivability is not. A proposition that violates any of the principles of the human reason cannot become an object of belief; but it is not so with a proposition that eludes the imagination. The dogmas of mathematics that nothing divided by nothing produces an infinity of something, and that a minus quantity is a

real thing whose cube root can be taken, are rational and well-established propositions. The proving of them is in harmony with the laws of the reason, and the propositions themselves are vitally involved in the solution of problems that are absolutely established and beyond all questioning. But while these propositions are rational, they do not appeal to the imagination; or, in common speech, they are inconceivable. The scientific dogma that the smallest particle of matter can be divided again and again an infinite number of times, and yet there will still be a particle of matter upon which the same process may be infinitely repeated, appeals to the reason but not to the imagination. The proposition is rational and it is true, but the thing itself is inconceivable; it cannot be brought before the imagination. The imagination begins by attempting to picture the smallest possible particle of matter, and then immediately it must conceive this smallest possible thing made still smaller. No sound mind can imagine it, and no sound mind can deny it. The

dogma of religion that God is a person, but that he is everywhere present, belongs to the same category of propositions. It does not lend itself to the human imagination, but it does not violate the human reason. The Christian doctrine of the Trinity of the Father, Son, and Spirit eludes the imagination, but it does not violate the reason. This doctrine is that there are three manifestations or specialized activities of Deity. The first is his self-manifestation in his general relation to the universe and to man, in which he is a Father in the real sense of the word. The second is his self-manifestation in the person and work of Christ. The third is his self-manifestation within the human soul for the accomplishment of those purposes of his towards men, which are revealed in Christ. The chemical combination H_2O appears under three specialized manifestations, each having mechanical qualities that are foreign to the other two. When this chemical combination appears as a gas it is called steam ; when it appears as a liquid it is called water ; when it appears as a

crystal it is called ice. Each of these is distinguished from the others by well-marked qualities that do not permit them to be confounded with each other, and each one is absolutely H_2O ; in the phrase of the early theologians it is very H_2O of very H_2O . If a physicist be asked if steam is really H_2O , he will answer yes. If he be asked if H_2O is steam, he will answer that it is not necessarily steam. If he be asked if steam is the same as H_2O , he will answer, if he is wise, that it depends on what is meant by the word same. If a theologian be asked if Christ is really God, he will answer yes. If he be asked if God is Christ, he will answer that it is not necessarily so. If he be asked if Christ is the same as God, he will answer, if he is wise, that it depends on what is meant by the word same. These propositions do not appeal to the imagination. It is impossible to form a mental picture of H_2O apart from these manifestations of it. If it be asked whether it does exist apart from these three forms, or is capable of exhibiting any qualities other than those exhibited in these three mani-

festations, the answer is that there is no evidence that leads to such inference. These are the results of research in the laboratory. They are rational and they are unquestioned, but they do not easily lend themselves to the imagination.

This illustration of the common inconceivability of some dogmas of science and of religion is not intended to cast any light whatever upon the doctrine of the Triunity as a doctrine. An advocate had better consent to a non-suit when he has no better proof of spiritual things than the far-fetched analogy of material things. This parallel attempts neither to prove nor to illustrate the doctrine of the Triunity. It is not claimed that there is here any analogy whatever. But it is claimed that there is not only similarity, but identity of method in establishing the foundations of theological and of scientific belief ; that in both the appeal is to the human judgment exercising itself upon the evidence, and not to the imagination.

The identity of the theological method and the method of research employed in other sciences appears again in the fact

that while the reason is the foundation of belief; yet there are elements of belief which, though they have a rational foundation, and though they do not especially elude the imagination, yet they do not easily lend themselves to expression in terms of the known. It must be remembered that the mathematical symbols used to express infinity and variation, and the plus and minus signs used after a number, all signify that the numerical expression does not exactly represent the thing or the quantity for which the numerical expression stands. The circumference of a circle bears a definite and unvarying relation to the diameter, yet the circumference cannot be exactly expressed in terms of the diameter. The fraction one-fourth can be exactly expressed as a decimal; the fraction one-third cannot. The mathematical method of notation that exactly expresses one fraction will not exactly express all fractions. Yet the reality of mathematical ideas and the truth of mathematical expressions are not impeached by the inflexibility of mathematical notation. In

theological belief the doctrine of the person of Christ and of the Triunity are none the less rational because they do not readily lend themselves to propositional statement.

Since the reason is the foundation of belief, there follows the corollary that belief must be subject to modification or even to reconstruction if new evidence or a better apprehension of old evidence shall give rise to modified inferences or to new ones. Even the most familiar expressions of the facts of the universe have only as much certainty as is involved in the data on which they rest. It may well be believed that white is always and everywhere white, and that black is always and everywhere black; that the terms white and black are the accurate expressions of certain and unvarying things. And yet this may not be exactly true. White is the reflection of all the rays of light that come to us from the sun. But there may be some rays of the sun's light that never reach the earth, but that are absorbed by the ether or by the atmosphere, as red glass absorbs all but the red rays; and by and by there may be a

change in the atmosphere or in the ether that will permit these unknown rays to reach the earth. It is evident that white light, the reflection of all the solar rays that reach the earth, would then be something different from what white light now is, though it would doubtless be called by the same name. Or, if the composition of the sun should change so that one of the colors of the spectrum should no longer be produced, the reflection of the rest of the rays would doubtless still be called white light; but it is evident that white to that generation would be something different from what it is to this. The same possible uncertainty exists in the case of black, which theoretically is the absorption of all light and the absence of all color. But no one has ever seen a thing that is really black. The most perfect black known reflects thirty per cent. of light. If by and by a substance shall be found that will absorb all light, it is certain that black will then be something different from what black now is. Yet this qualified certainty in no sense discredits the statement that

rational inference arising from well established evidence is the foundation of all belief, whether mathematical, theological, or scientific.

Section 2.—Inductive and Deductive Inference

When a prosecuting attorney shows how any murderer must have acted, and then shows that the accused man acted in accordance with the principles that govern the action of a guilty man, he has shown that the conduct of the prisoner is identical with that of a guilty man ; and since the sum of a man's actions is the correct expression of the moral condition of the man, a jury would make the deductive inference that the man is guilty. By a synthetic process of inference the mind of the jury has gone out from the principles of guilty action to the facts of the man's conduct, and has identified his conduct as that of a guilty man. Deductive inference is grounded on principles, and its characteristic feature is the perception of identity.

When a prosecuting attorney shows, not

how a murderer must have acted, but how the accused man did act, and that his separate actions were similar to the actions of men who are murderers, and that his actions constitute a group of actions that can be referred only to the general class of murderous actions, he has shown that the accused man belongs to a class of men called murderers. His analysis of the man's action with a view to the classification of the man is the botanist's method of analyzing the elements of a flower with a view to the classification of the flower. By an analytic process of inference the mind of the jury has gone from the facts of the case to the principle of guilt. Inductive inference is grounded on facts, and its characteristic feature is the perception of similarity.

Analysis and synthesis are not two methods of inference ; they are two correlated processes of one method. Induction is the process of making inference from a group of similar individual things to the principles that characterize the general class to which the individuals belong. Deduction is the process of making inference from

a general principle to the particular cases that fall under that principle. In his "Wörterbuch der Philosophischen Grundbegriffe," Kirchner says, "Die analytische Methode geht von den Bedingungen aus, um die Prinzipien aufzusuchen, von denen das Gegebene abhängt, während die synthetische von den Prinzipien ausgeht."—The analytical method proceeds from established data to discover the principles on which a given fact depends, while the synthetic method starts from the principles.

These two methods constitute the universal mode of human inference. When the historian explains a fact of history he refers it to the class of similar things to which it belongs, and then infers that the principles of human history which govern that class of events must also explain this event which belongs to that class. When the historian forecasts the future results of present conditions he examines the forces developed and the principles of life established by present conditions, and then he infers the particular phases of the human life which is to be; and the accuracy of

the inference is conditioned by the supposition that the human life of the future will be identical in essence with the human life of the present, however much it may differ from it in form.

The inferences of mathematics are chiefly characterized by deduction and the perception of identity. The method of mathematics is the method of the equation. The characteristic feature of the equation is the sign of equality. Mathematics deals with that which can be measured, and measurements can be resolved into the perception of identity. Triangles whose corresponding sides and angles are equal are identical triangles. As an object of thought the triangle drawn by Euclid is identical with the triangle drawn to-day. The deductions of geometry proceed on the perceptions of identity. The thirty-seventh proposition of the first book of Euclid, that triangles on the same base and between parallel lines are equal, is proved by showing that the second triangle is equal to an imagined third triangle having equal sides and equal angles with the first triangle ;

and that since this third triangle, which is equal to the second one, has sides and angles equal to those of the first, it is really the same triangle as the first, and therefore the first and second triangles are equal. The forty-seventh proposition, that the sum of the squares described on the two sides about the right angle of a right-angled triangle is equal to the square described on the opposite side, in the same way is proved by the perception of identity when it is shown that these two squares may be combined into a third square having identical measurements with the opposite square. The equality of any two spaces is demonstrated either by showing that their boundaries do actually coincide when one figure is placed upon another, or else by showing that their parts may be rearranged into an ideal figure which when ideally placed upon the other will coincide with it. The area of a circle is determined in the same way as the area of a triangle, by multiplying the circumference by half the radius, because the circle may be ideally divided into an infinite number of triangles

having their bases on the circumference of the circle and their apexes at the centre, and every one of these triangles is identical with some similar triangle whose area was determined by multiplying the base by half the altitude.

The inferences of natural science are chiefly characterized by induction and the perception of similarity. When the bacteriologist has examined a vast number of cases of cholera and has found that all these cases are accompanied by the comma bacilli which is found associated with no other disease, and when he has learned that no case of cholera has ever been examined in which the comma bacilli were not found, the inference arises that cholera and no other disease is indicated by the presence of the comma bacilli. This inductive inference—cholera, and no other disease, is indicated by the comma bacilli—becomes in its turn a major premise, from which future deductions will be made. When the comma bacilli are again found, the observer will say that since cholera alone is indicated by the presence of the

comma bacilli, and since the diagnosis of this case has revealed the comma bacilli, this is a case of cholera. The value of the deduction will depend on the value of the major premise. If there has ever been a case of cholera in which the comma bacilli did not exist, or if there has ever been a case of some other disease in which they were found, then the induction which produced the major premise was proximate, but not exact, and the inference to any particular case will be probable, but not certain.

These natural methods of inference, employed in history, in mathematics, and in science, are also the methods employed in religious research. There is no other available method. If mysticism has a private mode of apprehending the truth, the normal man is not jealous of that mode, but he refuses to confound mysticism with rational research. Doubtless there is divine guidance for reverent inquiry ; but a human mind divinely guided does not cease to be a human mind. The most reverent attitude of a mind which expects such divine guid-

ance is to expect that the guidance will be in harmony with rational methods of human research. Nothing could be less reverent than to suppose that God, who is a spirit, could be pleased with a spirit that did violence to itself.

Section 3.—Reasoning in Circles

In a case recently tried in Philadelphia the circumstances were these : A negro was charged with the murder of his grandmother. In order to substantiate a charge of murder in the first degree, it is necessary to prove three things : first, the fact of the death ; second, that the accused committed the homicide ; third, that the killing was premeditated. The State clearly proved the first point, the verdict of the coroner's jury being conclusive on that subject. As to the third point, it was shown by the State, and not denied by the defense, that the prisoner had quarreled with his grandmother ; that they had engaged in a struggle ; that he had picked up from the floor the handle of a broom, with which he struck her on the head ; that she fell to the floor,

and was taken up unconscious ; and that soon afterwards she died without having regained consciousness. Upon the second point, whether the accused did the killing, the question was resolved into the problem whether or not the admitted blow was the cause of death. Upon this question the coroner's physician was the only witness. He testified that he had made a post-mortem examination ; that he had found a bruise upon the scalp ; that under this scalp wound the outside bony layer of the skull was slightly fractured ; that on the inside of the skull, opposite the fracture, he found the soft bony structure of the skull made red by the congestion of the minute blood-vessels in it ; that immediately below this congested part the blood-vessels of the brain were ruptured, and that this rupture was the immediate cause of death. Upon cross-examination he said that the brain showed signs of alcoholism and a consequent weakening of the tissues. From these data, furnished by the post-mortem examination, he testified that in his opinion the blow was the cause of the woman's

death. Upon careful cross-examination as to his reasons for that inference, his argument was reduced to this form : he inferred that she died from the blow because such a blow as she had admittedly received was sufficient to cause death ; and he inferred that the blow was sufficient to cause the cerebral rupture, because she had certainly received the blow, and she had certainly sustained the cerebral rupture. As this was the only argument upon which he based his opinion that the woman was killed by the blow, the judge would not permit the case to go to the jury, and the prisoner was discharged. This was evidently right. The man was not on trial for striking the woman ; he was on trial for killing her. To infer that the blow killed the woman because it was severe enough to cause death ; and to prove that it was severe enough to cause death from the fact that the woman who had received the blow was dead, is a reasoning in a circle that is not a recognized method of legal inquiry.

It is common to infer that the Scriptures are inspired of God because it is so said in

the Scriptures, and then to infer that this statement itself is authoritative because it is a part of the inspired Scriptures. If the delusion of such alleged reasoning is not immediately apparent, it can be almost visibly demonstrated by closing a volume of the Scriptures, and saying that every declaration in the volume is of absolute authority, and then to add that the reason for believing this is that one of those declarations says so. It must then be evident that the only reason for believing this one declaration is that the claim of authority covered that as well as the rest.

The question here is not the inspiration of the Scriptures, but the method by which their inspiration is supposed to be established. The reasoning in a circle does not discredit the Bible, but it does discredit the delusive methods that employ it.

It is common to infer that a man is a good man because he is a Christian, and to infer that he is a Christian because he is a good man. If he is a Christian because he is a good man, and if he is a good man because he is a Christian, then a transposi-

tion of equivalent terms in the argument will produce the statement that he is a good man because he is a good man, and no progress is possible by means of this circular argument. It is a valuable and a legitimate inference in the study of human life to be able to say that because a man is a Christian he is a good man ; but such an inference rests upon the assumption of the truth of two other propositions ; that a life controlled by Christian principles is a good life, and that this man's life is really so controlled. The first proposition is abundantly proved, but the second can be proved only by the evidence in the particular case.

Section 4.—The Argument from Ignorance

When Copernicus announced his theory that the earth is a revolving sphere, his brother monks said, "That cannot be ; for if the earth were a revolving sphere, we do not know what would keep the water from spilling out of the oceans. But it does not spill out ; therefore the earth is not a re-

volving sphere." In this syllogism the major premise is not the assertion of a fact : it is the assertion of the ignorance of a fact. It is not the assertion that the water of the oceans would spill out, but that the monks of Frauenburg knew no reason why it would not spill out ; and it virtually claims that what the monks of Frauenburg cannot explain cannot be explained, and that what the monks of Frauenburg do not know cannot be known.

The argument from ignorance consists in raising an objection that one cannot himself answer, and assuming that what he cannot answer cannot be answered. This form of the syllogism is not treated in any work on logic. It has no place in the twenty-four valid moods of the syllogism, or even among the forty-four possible moods. No provision is made for it in the familiar mnemonic lines beginning "Barbara, celarent, ferii." It is a thing separate and apart, with no relation to anything written in logic from the days of Aristotle onward. The less a man knows, the more he can prove with this form of the syllogism,

for the less he knows the more he includes in his major premise. The man who does not know anything, includes everything in his major premise, and can prove everything with this form of argument. The scope of the argument varies directly with one's ignorance, and inversely with what he is so unfortunate as positively to know.

This form of the syllogism is responsible for most of the disturbance in the theological world. When the theological revolutionist has a theory that he cannot prove in any other way, he proves it by the argument from ignorance. Future probation for the lost is proved in this way: All men are to be judged by their relation to Christ; but we do not know how the heathen, who have never heard of the historic Christ, can be judged by that standard, unless they have a future probation: therefore they will have a future probation. If this same logician were ignorant of one other fact he could prove that there will not be a future probation, in this way: We are commanded to preach the gospel to the heathen; but if they are to have a future

probation, we do not know why we should take the gospel to them : therefore there will be no future probation. The denial of endless woe for any soul is proved in this way : God loves all his works ; we do not see how he could allow creatures whom he loves to suffer forever : therefore future woe will not be everlasting. The same form of the syllogism will also prove that future woe is everlasting, in this way : Heaven is the abode of the blessed ; we do not see how a sinful being could be happy there : therefore the lost can never be restored.

There is no limit to what the argument from ignorance can be made to do. If only one can raise enough objections that he himself cannot answer he can prove anything with it. The real fallacy in the argument from ignorance is in supposing that an objection that cannot be answered by one's self does not admit of an answer, and is therefore fatal to the theory against which the objection is offered. But there is a vast difference between a theory that contradicts itself and a theory that is con-

tradicted by the vagaries of some one's imagination. A theory that is self-contradictory cannot be true ; but a theory is not necessarily false because some objector raises an objection that he himself cannot answer.

But the argument from ignorance has a more serious side. It is the vital, formula-tive principle of unbelief. Unbelief has no universal term, and from particulars nothing can be proved. The unbelief that kills is that which refuses to believe, and its method is to raise an objection which the objector cannot answer, and then to conclude that it cannot be answered. This form of objection lies at the bottom of Nicodemus' question, "How can a man be born again?" It lies at the bottom of the Jews' question, "How can this man give us his flesh to eat?" And it lies at the bottom of the question, "How can faith in Christ save?" Entirely to abjure this form of argument is essential to salvation. There is no salvation for the man who lives by it, for it is putting himself above Deity and saying that mortal man is

more just than God. To deny this argument is the very essence of the denial of self. To hate it as false and vicious is to crucify self. If the noblest act of the human will is submission to the divine will, the noblest act of the human mind is to know that God, not itself, is the measure of the universe.

CHAPTER II

INFERENCE AND ACTION

Section 1.—The Relation of Doctrine to Religion

THE last reported words of Christ were, "Teaching them to observe all things whatsoever I have commanded you : and, lo, I am with you alway, even unto the end of the world." This is an agreement ; it is a contract with a condition precedent. He agreed to be with his disciples upon condition that they would teach the nations what he had taught them. Performance of the condition is a step that must be taken in

order to call the contract into actual execution. Failure to perform the condition discharges the contract. The disciples of Christ had no right to expect his presence if they were neglecting to teach the truths that he taught. A Christian preacher has no right to expect Christ's blessing upon any preaching that does not have for its object the production of righteous character by means of the truth.

The religion of Jesus Christ is two things : it is a system of truth and it is a sanctification of life. He himself prayed to the Father, "Sanctify them through thy truth." His religion is a system of truth first ; it is a sanctification of life afterwards. It is a system of truth in order that it may be a sanctification of life. The sanctification of life is the end in view ; the system of truth is the means through which the end is to be attained. A bridge is a promoter of commerce ; it is also a system of beams and bars. It is a system of beams and bars in order that it may be a promoter of commerce. "Promote commerce through the beams and bars." The promo-

tion of commerce is the end in view ; the system of beams and bars is the means through which the end is to be attained.

Religion is a condition of mind finding expression in worship. To this condition of mind finding expression in worship a system of doctrine is essential, because the state of mind which issues in the worship of God springs from what is believed to be the nature of God and of man ; and the worship in which it issues must correspond to what we believe to be the nature of God and of man. The fundamental postulates of the Christian religion are such as these : God is love ; grace is mightier than sin ; life vanquishes death. But how is a man to have a grand confidence, an unshaken certainty concerning these lofty declarations ? The instincts of his spirit, indeed, lead him to rejoice in these truths ; but he has a mind as well as a spirit, a brain as well as a heart, and his mind demands an explanation. The religion that is to capture the whole person must appeal to the reason as well as to the emotions. Back of these declarations there lie questions

that must be answered, and the answers to these questions constitute the doctrines of the Christian religion. "God is love." But how is a man to know it? The story of Christ is offered as the answer. But who is Christ? What is his relation to the God of the Old Testament? What is his relation to man? Some conception of the truth concerning the person of Christ is essential to an intelligent acceptance of the truth that God is love. "Grace is mightier than sin." It may be so; but before one can believe it with a belief that will regulate conduct and influence character, he must ask, How does grace show itself mightier than sin? How did Christ put away sin? What is Christ now to men? A man cannot have an intelligent assurance that he is not under condemnation of God until he has come to know the doctrine of the atonement. "Life vanquishes death." Before that sublime declaration can give him the uplift of soul that will furnish a new view of life and a new view of destiny, he must know the Christian doctrine of the resurrection of Christ and the immortality

of the human soul. Thus these fundamental postulates of Christianity, these essential truths without which Christianity does not exist even in the vaguest and most shadowy form, have a foundation in the doctrines of Christianity ; and without a knowledge of the foundation he cannot have perfect confidence in the superstructure.

Religion is a condition of mind finding expression in worship. This outward mould of religion, also, the worship and the form of service in which the condition of mind issues, is conditioned by the doctrines of religion. The doctrine of the believer's fellowship with Christ and communion with the Father will serve as an illustration. The interpretation of this doctrine is the fundamental distinction between the two great Christian Churches, the ritualistic Church and the spiritualistic Church,—the Church which puts the chief emphasis on the objective forms of religion, and the Church which puts the chief emphasis on the subjective spirit of religion. If the New Testament teachings which make up the doctrine of the believer's fellowship

with Christ and communion with the Father are to be understood as metaphorical and symbolic expressions of the truth, and not as exact and literal expressions of it, then there is still need of a human priest, a person whose function is not in any way to influence human character, but whose function is to make man's intercourse with God possible. On the other hand, if this statement of doctrine is not symbolic, and if the words communion and fellowship are not metaphors, then there is no need of a human priesthood. Thus the real distinction between the two great Christian Churches is a doctrinal distinction.

If religion in this sense is to be pleasing to God,—if religion as a state of the mind and as a service of the heart is to be pleasing to God,—it must conform to everything that can in any way be known concerning God and man and their mutual relations. That is to say, a true religion must conform to a true doctrine.

Section 2.—The Relation of the New Testament to Christian Doctrine

The formal statement of the religion of Christ is found in the New Testament. The New Testament is essentially a book of doctrines. It is in part the product of the human reason, and it appeals to the human reason. Its trustworthiness is to be tested by the usual laws of research. The production of the Bible was in part a matter of inspiration, but the understanding of it is a matter of the reason. To use the word understanding in any other way—to speak of understanding the Bible and yet to mean that the teachings of the Bible were not to be submitted to the human reason—would be a contradiction in terms. There is a divine assistance in the reverent study of the Bible, but a mind enlightened by God does not cease to be a mind. An educated conscience more perfectly performs the natural functions of the conscience. A divinely-guided mind should more perfectly perform the natural functions of the mind. No mind has a right to submit

to a violation of any of its natural processes. To assent to a self-contradictory proposition is an immoral and wicked thing, no matter who makes the proposition. There is no self-contradictory proposition in the Bible ; but if there were, every sane mind would immediately reject it as untrue. In reading the Bible, the mind is alert for the testing and for the trying of every statement. It may be that one is not always conscious of this alertness of mind, as he is not conscious that he is always ready to close the eye against a foreign substance. But even though one might wish it were not so, even though he might wish it were possible to read the Bible without any tendency to question it, it cannot be. God will not allow the mind thus to cheat itself of the joy of real conviction. If one stood on Mount Sinai with Moses to hear the words of Jehovah, it would be the same. He could not help it. The human mind would ask that the words of Almighty God should approve themselves to the human reason. And if they did not so approve themselves, though one might have

the grace not to deny their truth, yet he would be forced to say that while the words might be true, yet they mean nothing to him. It may be that one is not conscious of this mental questioning ; but if that is true, it is because he has already questioned the doctrine and found it true. If one can read the words at the beginning of the gospel of John, where God and the creative Spirit and the incarnate Christ are identified as one, and not say, How can these things be? it is because his mind has already questioned and accepted the New Testament teaching concerning the Triunity of the God-head. If he can read the words, "This is a faithful saying, and worthy of all acceptation, that Christ Jesus came into the world to save sinners," and not ask, How does Christ save? it is because he has already accepted the New Testament teaching concerning the atonement. If he can read the words of Christ, "Come unto me all ye that labor and are heavy laden and I will give you rest," and not ask, What is this peace which Christ gives? it is because he has already come into that condition

where it is no longer necessary to ask the question.

The New Testament is thus a book of doctrines, every one of which must be brought before the criterion of the human reason before it can be accepted intelligently, and so become a regulative force in human character. Concerning every doctrine of the New Testament, therefore, a Christian should know just what the Scriptures do teach. It may be that his mind will readily accept them all ; it may be that concerning some of them the judgment will be suspended. But some clearly-defined position of the mind with reference to the whole system of Christian doctrine is essential to his usefulness, and should be essential to his peace of soul. It is easily possible that concerning even the most abstruse doctrines there shall be a well-defined opinion. Concerning the doctrine of the Triunity of the God-head, for example, there are some things that a Christian must know if his claim to be a Christian is to commend itself to honest and thoughtful people. He should know whether or not

the New Testament teaches anything that properly can be called a doctrine of the Triunity. If it does, he should know what it is that it teaches ; he should know what is the evidence in the case, what are the statements and texts which, taken together, give rise to that doctrine. And, finally, he should be able to make a reasonable statement of what he understands those texts to teach ; or else, if he believes that the doctrine is not susceptible of a rational statement, then he must be prepared to defend the only other position that is tenable, that the doctrine of the Triunity is a transcendental formula,—that is, that it is a formula that is not derived from knowledge, but that is essential to the systematic statement of what is known of some other thing : like the theory of ether in the intermolecular spaces of matter ; a theory not derived from knowledge, but which is necessary to the systematic statement of what is accurately known on some other subject. And what is true of the doctrine of the Triunity is true of every other. The Christian is under a sacred obligation

either to accept them intelligently, or else to understand them sufficiently to say that he does not unreservedly accept them, but that he is waiting for further light. The Church has been slow to learn the dignity of suspended judgment.

But Christian doctrine does not exist for its own sake. The final cause of Christian doctrine, the end for which it exists, is the sanctification of human character. Every doctrine of the Bible goes to the foundation of righteousness of character. The most logical and dogmatic statements of doctrine run out finally into exhortations to practical righteousness. The doctrine of the Epistle to the Romans is the Sonship of the Believer,—that they are the true Israel who by faith in the Son of God have come into reconciliation with the Father. But this subtle and recondite argument, in which the author hurries along often from half-stated premises to startling conclusions, furnishes the foundation and the warrant for that stirring exhortation to a Godly life which begins with the twelfth chapter and runs through the rest of the epistle. After set-

ting forth the doctrine of Sonship with God through faith in Christ, he says, "I beseech you *therefore*, brethren, by the mercies of God, that ye present your bodies a living sacrifice, holy, acceptable unto God, which is your reasonable service,"—the service of your mind, your rational service. The word is *logicos*. Paul declares that the entire consecration to God is the logical result of the doctrine that we are Sons of God through faith in Christ. What is true of the Epistle to the Romans is true of the other epistles. Paul teaches the Corinthians the doctrine of the resurrection of the dead, and, after he has revealed unto them the mystery, he says, "*Therefore*, my beloved brethren, be ye steadfast, unmovable, always abounding in the work of the Lord, forasmuch as ye know that your labor is not in vain in the Lord." To human vision death seems to be the end of all things; but he showed them that the grave does not end all. In this new view of life their labor was not in vain; therefore he bade them be steadfast. In the Epistle to the Galatians he teaches the doctrine of

the spiritual liberty of the believer, and upon this doctrine, with the personal responsibility that it entails, he rests his exhortation to a righteous life, full of gentleness, goodness, and faith, which are the fruits of this spiritual freedom. The Epistle to the Philippians sets forth the doctrine of the incarnation of Christ, and then bids them let the same mind be in them which was in Christ Jesus, thinking not of themselves, but only of others, doing nothing in strife and vainglory, but in lowliness of mind esteeming others better than themselves. To the Colossians he teaches the doctrine of the spiritual resurrection through Christ, and then bids them put off the old man and put on the new. To the Thessalonians he teaches the doctrine of the second coming of Christ, and upon that doctrine rest his exhortation to rejoice, to pray, to watch, to quench not the Spirit, and to avoid evil in every form. •

Section 3.—The Final Form of Religion

The final form of the Christian religion is found in the Christian character which it

produces. To say that religion is character is a phrase in its construction similar to "health is happiness." It means that character is conditioned by religion. When a man is called a religious man, the thought is of his character. When one speaks of heathen religions, he is thinking of the customs of heathen lands and the habits of heathen people. It is a natural and a correct use of words to say that religion is life.

There are two serious mistakes in reference to the relation which doctrine bears to life. The first mistake is that of supposing that in the sight of God character counts for nothing and creed counts for everything. It has been supposed that it does not matter what a man is if his creed is right. It has even been held that a right belief will atone for a bad life, and that what is sin in an unbeliever is not sin in the elect. Whittier somewhere speaks of "Antinomians free from law, whose very sins are holy." The other mistake is that of supposing that it does not matter what creed one professes, so long as his life is right. But the truth concerning the relation of creed and charac-

ter is not a question of relative importance. It is foolish to ask which is more important, a circle or its circumference. That is not a question of relative importance, it is a question of mutual dependence. The circumference defines the circle. The relation of creed and character is not a question of relative importance ; it is a question of mutual dependence. Creed conditions and defines character as the circumference conditions and defines the circle. There can be no doubt that this is true. Character is the sum of the exercises of the will. The exercises of the will are determined by the emotions ; we do what we want to do, what we love to do ; and we love what we believe is worthy of love. This is what Paul means when he says that "with the heart man believeth unto righteousness," that one comes into righteousness of life through a heart-belief, or a love-belief,—a belief that has moved to love, and a love that has moved to action. Here is the reconciling of what has sometimes seemed to be a contradiction in the teaching of the Scriptures. Christ taught that a man shall be received or be

rejected of him in the last day according as he has or has not visited the sick, clothed the naked, fed the hungry, and ministered to the needy. Here the final approval of God seems to depend upon righteousness of character. But he also taught that "God so loved the world, that he gave his only begotten Son, that whosoever believeth in him should not perish, but have everlasting life." Here everlasting life seems to depend upon personal belief. But there is no confusion; the only belief which Christ recognizes is a belief which implies self-surrender and love, and which proves itself in righteousness of character.

The explanation of the Church's faint influence for righteousness is to be found in the Church's feeble devotion to doctrinal truth. One of the most painful and alarming things in the preaching of to-day is that while it so largely consists in brave and manly rebukes of social and political wrongs, yet he who oppresses the poor, who takes a bribe, or who corrupts his fellow-men, gets a rebuke that has only a human warrant; he is rebuked because of

the shame of the thing and because of the outraged sentiments of society. But for the rebuke of the sin and the sinner there is a higher and a diviner reason even than that. It is that all souls are God's ; that God will require his brother's blood at his hands ; that vengeance belongs to God, and that he will repay. Felix trembled when Paul reasoned with him. If Felix trembles to-day when he is held up to public contempt, he will tremble yet more when the Church reasons with him concerning the truths of eternal retribution. If it is not a light thing to have offended his fellow-men, it is a still heavier thing to have offended his God.

Not only does the feeble influence of the Church at home find its explanation in the lack of devotion to the doctrinal teachings of the Scriptures, but this is also the explanation of the failure of the Church to reach the nations. What has been accomplished is utterly incommensurate with the latent power of the Church. The kind of Christianity we have at home is evidently not the kind that God wants the heathen to

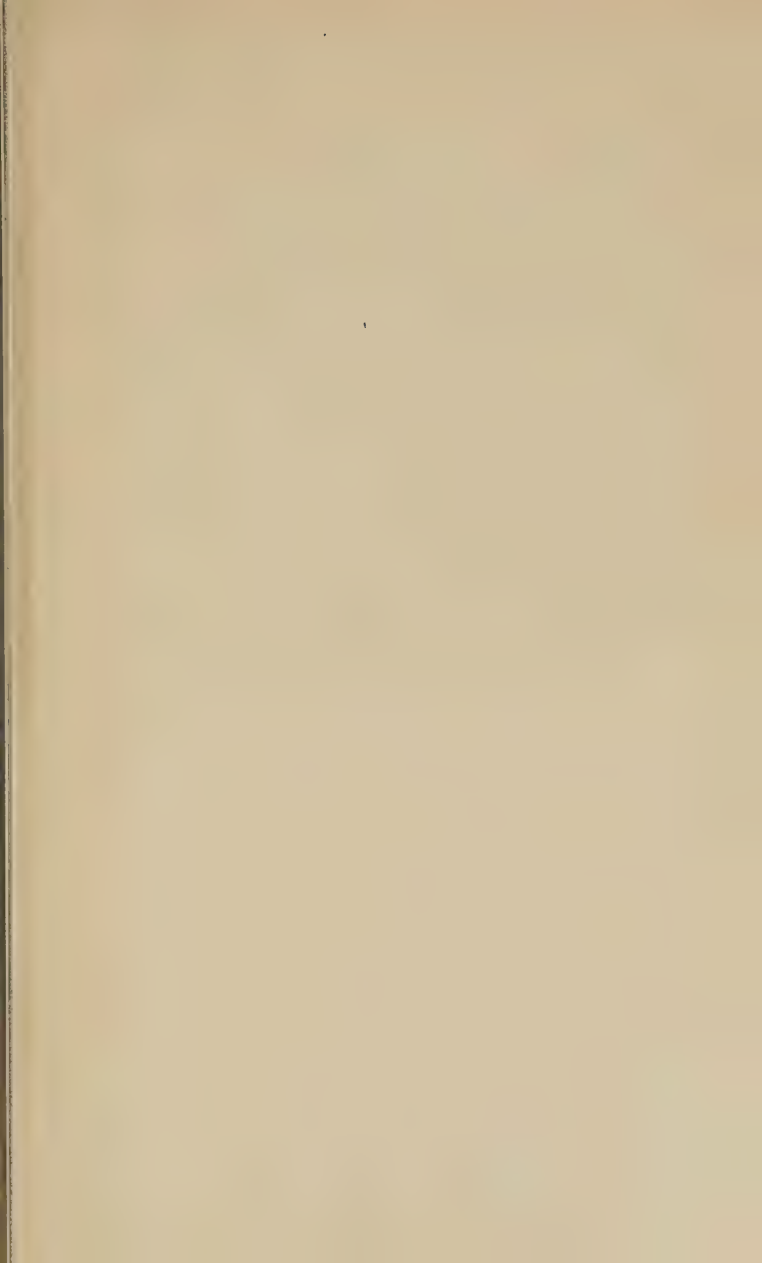
have. If a whole-souled devotion to the doctrines of Christianity had nourished and developed the sturdy type of righteous life which those truths are capable of supporting, long ago the world would have learned that righteousness exalteth a nation. The most beautiful and the most heroic period of the history of the Church was that period when her doctrines were developing and taking their permanent form, and when nothing but her doctrines were preached.

The preaching that begins and ends with "Come to Jesus," sooner or later will prove a failure. The Evangel is the narrative of God's gracious purposes towards the world. That narrative is not merely the story of Immanuel ; it includes that whole body of truth without which the Incarnation is meaningless. The true evangelization is the proclamation of that whole body of truth. When the Church understands this, the distinction between evangelistic preaching and doctrinal preaching will disappear. The true evangelization is the proclamation of such truths as these : That religion

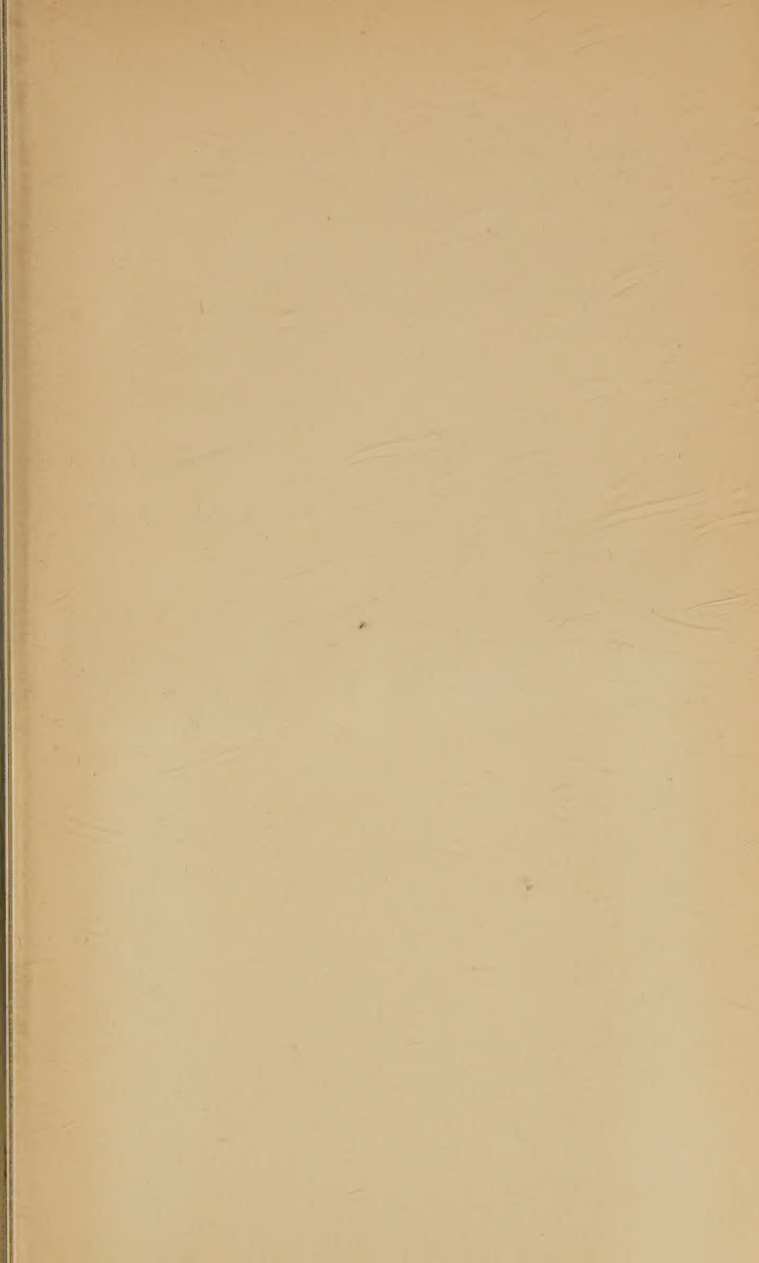
is natural and possible because God has revealed himself to men ; that the Scriptures are the supreme revelation of God's will, and are of universal authority ; that the purposes of God involve objects as well as the universe, events as well as consummations ; that the purposes of God involved the creation of the world for his own glory, and the creation of man in his own image ; that God's dealings with men have ever been a faithful transcript of his own nature ; that the lack of conformity to the purposes of God is sin, that all men are sinners, and that sin is deadly ; that in Jesus of Nazareth God has made every provision to deliver men from the penalty and from the dominion of sin ; that the Holy Spirit has come to lead men into the truth ; that Christ himself will come again to overthrow his enemies, to establish his kingdom, and to receive his disciples to eternal life. Such themes as these would not furnish opportunity for the recital of thrilling adventures and hair-breadth escapes, but they would furnish the opportunity to reach the minds and consciences

of men, and they would make it possible for God to answer the prayer of Christ that the world might be sanctified through the truth.

THE END







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